

# KINGSHIP THROUGH THE AGES.

(A HISTORICAL SURVEY.)

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## PREFACE.

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The present volume is an attempt, on a very modest scale, to trace the evolution and history of kingship, down to recent times. Although there is an enormous mass of literature dealing with kingship in scraps, there are few works extant giving a connected historical account of this institution, from the standpoint of theory and practice. It is therefore hoped that the present work, despite its imperfections, may supply a real need to students of politics.

The author is fully conscious of the fact that the field of his survey is rather limited, being largely confined to Europe and that, owing to the paucity of, or the difficulty of access to, materials, it was not possible for him to extend the scope of his survey very much further. An attempt will, however, be made, if a second edition of the book is fortunately called for, to fill up any existing gaps, as far as practicable.

A few chapters of the book have already appeared under the heading, *Studies on Kingship*, in the pages of our College magazine. These chapters have, however, been carefully revised and also enlarged in several places, before being incorporated in this volume. All notable works bearing on the subject have been consulted and no pains have been spared to render the treatment of the subject sufficiently popular and the volume sufficiently readable.

As a contribution to historical politics, it is hoped that this book will have an appeal to students of politics and political institutions.

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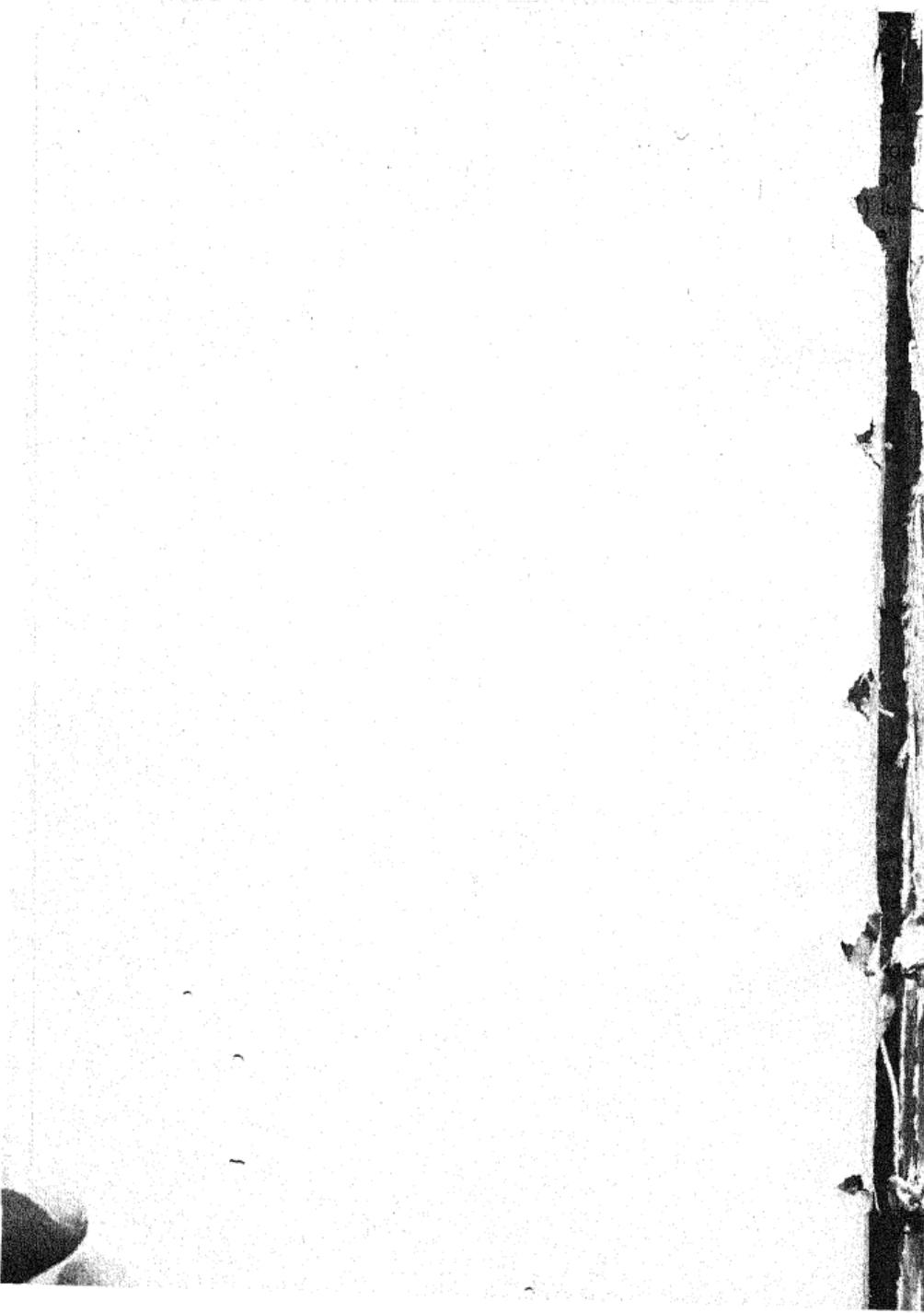
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## CHAPTER I.

### THE ORIGIN OF KINGSHIP.

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#### I

##### Introduction.

KINGSHIP, as is well-known, is an institution of hoary antiquity which, for more reasons than one, is deserving of a detailed and dispassionate study. Like many other institutions, this institution too has undergone a series of vicissitudes in the past and has had its periods of growth and development, of decay and decline. It has assumed protean shapes in the course of its history and manifested itself in different forms in different ages—as the rule of the magician or medicine man in primitive society, the patriarchal kingship of the early Aryans, the divine-kingship of the ancient East, the principate of Augustus, the absolute monarchy of the Roman Emperors, the papal sovereignty of the middle ages, the Holy Roman empire and feudal kingships of medieval Europe, the national monarchies of the Renaissance and Reformation age, the enlightened despotsms of the seventeenth and eighteenth centuries, the constitutional kingships of modern times. For us Indians, with our immemorial traditions of kingly government and with our glorious galaxy of ruling princes even to-day, the subject must be of no small interest and importance.

It is the purpose of this essay to trace briefly the origin and evolution of kingship in primitive society, to consider its value as a disciplinary and progressive factor in such society, to examine the theories, ideals and character of kingship in ancient India and in ancient Greece and Rome, to dwell on the medieval ideas on kingship, to trace the development of absolute monarchy in Europe from the sixteenth century in relation to its contributory factors, to sketch the anti-monarchist and liberal ideas and movements of the age of absolutism, to show the significance of

the French Revolution as the herald of a political and social renaissance, and lastly, to trace the progress of constitutional kingship in the nineteenth and twentieth centuries. The views of different writers on the merits and demerits of monarchy, as compared with other forms of Government, will also be briefly set forth in the course of this essay. The bearing and influence of the theories and ideals of kingship on its actual character in different ages and countries will also be examined, as far as possible. Recognising the impossibility to do full and adequate justice, within the compass of a small volume, to this wide range of topics, an attempt has still been made by the author to dwell in sufficient detail on the several topics, avoiding undue brevity, on the one hand and undue elaboration, on the other.

## II

### Primitive Society.

At the very outset, let us try to know something about the condition of primitive society, prior to the dawn of kingship or any political organisation. It must be confessed that there is hardly any direct knowledge available to us on the subject, for there are hardly any records now extant in connection with the primitive, pre-political condition of mankind, when there were no rulers, and no laws and 'wild in woods the noble savage ran'. But there are a great many primitive, aboriginal races and tribes scattered about in various parts of the world to-day—in America, Africa, India, Australia, Melanesia, Polynesia etc. and in view of the fact that some of these races have continued in their sequestered haunts, for centuries, almost in a state of nature, unchanged and unchanging, they may well be taken as living specimens of primitive humanity. Thanks to the assiduous labours of anthropologists and the faithful accounts of travellers, we have been furnished with a mass of interesting knowledge about these races which, throwing ourselves back in imagination into the dim and distant past, we may largely apply to the primeval humanity. The characteristics of life of the savage communities of to-day may be supposed to have largely been those of the ancient savage communities as well. Let us now try to understand the type of social life and

organisation of one of the lowest and most primitive races of to-day—the Australian race.<sup>1</sup>

"It is the custom to speak of the Australians and other savages as living in tribes.....It would really be better to call it the *pack*; for it far more resembles a hunting than a social organisation. All its members are entitled to a share in the proceeds of the day's chase and, quite naturally, they camp and live together. But they are not sharply divided for other purposes from other packs living in the neighbourhood.

The real social unit of the Australians is not the "tribe" but the *totem group*. The totem group is primarily a body of persons distinguished by the sign of some natural object (such as an animal or tree) who may not intermarry with one another. In many cases membership of the totem group is settled by certain rules of inheritance, generally through females.

The Australian may not marry within his totem. "Snake may not marry snake; Emu may not marry Emu." That is the first law of savage social organisation. Of its origin we have little knowledge but there can be little doubt that its object was to prevent the marriage of near relations.....

The other side of the rule is equally startling. The savage may not marry within his totem but he must marry into another totem, specially fixed for him. More than this, he not only marries into the specified totem, but he marries the whole of the women of that totem in his own generation...Of course it must not be supposed that this condition of marital community really exists in practice. As a matter of fact, each Australian contents himself with one or two women from his marriage totem. But it is a fact that an Australian would see nothing wrong in a man living as the husband of any woman of his marriage totem, provided she were of his own generation.

Some classification is necessary to distinguish the different degrees or generations within the totem group; and this is one of the objects of the mysterious *corroborees* or ceremonial gatherings which play so large a part in the life of the savage...

1. For some interesting details of this race, the reader is referred to Edward Jenks—*A Short History of Politics and The State and the Nation*. (Part I. Ch. II).

At these ceremonies, often lasting for several days, the youths and maidens who have attained to maturity are initiated into some of the mysteries of the totem, often to the accompaniment of painful rites. It is possible that on such occasions the initiated are subjected to tattooing, with a view of establishing their identity....

By this or some other artificial means, the curiously simple system of Australian relationship is constructed. All the women of his marriage totem in his generation are a man's wives; all their children are his children; all the members of his totem in his generation are his brothers and sisters (whom he may not marry); all the members of his mother's totem are his parents (for descent is nearly always reckoned through females). Parent, child, brother and sister are thus the only relationships recognised...

It has been suggested by recent observers that the Australian believes himself to be, in some mysterious way, the offspring of his totem. There can also be little doubt that in some cases, at least, the totem is an object of worship, a fetich which will deal destruction if the rule of the intermarriage is not rigidly observed. It is somewhat significant to notice that the savage's view of his deity is usually that of a malevolent Power, dealing disease and death and thirsting for human blood....

Closely connected with this view is the savage's rudimentary notion of Law. With him it is a purely negative idea, a list of things which are prohibited or *taboo*. The origin of these prohibitions is often ludicrous but they are generally found to be connected with the apprehension of danger. A man is walking along a path and is struck by a falling branch. Instead of attributing the blow to natural causes he assumes it to be the result of the anger of the Tree-spirit, offended by his action in using the path. In the future that path is *taboo* or forbidden... The practice of burying alive a victim in the foundations of his house as a sacrifice to the Earth-spirit whose domain is being invaded is widely spread in savage countries...<sup>2</sup>

2. Jenks—*A Short History of Politics* (pp. 8-14).

The above is a fragmentary picture of one of the savage races of modern times—the Australian natives who are not yet politically organised. It is a picture that, in its general features, may be considered to hold good, in spite of certain differences in details, in the case of other savage communities as well.

The broad, salient features of primitive society and organisation may now be summed up :—

First, the members of a savage community are in *the hunting stage* and lead mostly a precarious, squalid existence, indulging not unfrequently in wars, murder and even cannibalism. The food supply of the savage is limited to the products of the earth. In ordinary life he goes about stark naked and where the rigours of the climate compel him to cover himself, his clothing is still extremely scanty, being made of barks of trees or skins of wild animals. His dwelling is rudimentary in the extreme, being a ready-made cave or a rude hut.

Secondly, the unit of primitive society is not the individual but *a group*—a hunting pack or a totemistic group—a fact which is at daggers drawn with the assumption of individualism involved in the Social Contract theory.

Thirdly, in general, primitive society in *matriarchal*, that is, descent, relationship and inheritance are reckoned through females. It is held by certain authors that the matriarchal system is prior to the patriarchal which is more advanced and was gradually evolved from it. This view, however, is not universally accepted.

Fourthly, there is ordinarily no system of fixed or permanent marriages among savage folk. The system that obtains is one of sexual promiscuity—polygamy and polyandry combined—regulated or unregulated.

Fifthly, these communities are destitute of government, or of laws, except perhaps a few customs in the nature of *taboos*. Their religion is a sort of fetishism consisting in the worship of external objects such as plants, trees, animals etc. They also believe in the existence of spirits—mostly malevolent—which must be propitiated by all means.

It has been pointed out by Jenks that, thanks to the domestication of animals and the adoption of pastoral pursuits,

the matriarchal groups of primitive society were gradually transformed into patriarchal families. The rise of the patriarchal family undoubtedly marks a forward stage in social evolution. The various steps in this transition have been admirably elucidated by Jenks in the books already referred to. The domestication of animals is followed by pastoral pursuits. This leads to the acquisition and even accumulation, of property in the shape of flocks and herds and to the consequent predominance of the male, as the acquirer and protector of the property. For the rearing of live-stock there is an increased need for labour and this naturally leads to a system of permanency in marriage—monogamy or polygamy—so that the husband may have a right for the entire labour of his wife or wives and children. Thus a patriarchal family is brought into existence, with the husband as its central figure and his wife and children living under his roof and subject to his control.

The view as to the relation between the adoption of pastoral pursuits and the patriarchal system is also supported by Herbert Spencer and other writers. Thus writes the former<sup>3</sup>: "It was shown in para 319 that when men passing from the hunting into the pastoral stage, began to wander in search of food for their domesticated animals, they fell into conditions favouring the formation of patriarchal groups. We saw that, in the primitive pastoral horde, the man, released from these earlier tribal influences which interfere with pastoral power and present settled relations of the sexes, was so placed as to acquire headship of a coherent cluster; the father became by right of the strong hand, leader, owner master, of wife, children and all he carried with him..... Not only the Semites, Aryans and Turanian races of Asia have exemplified this relation between pastoral habits and the patriarchal organisation but it recurs in South African races."

### III

#### The Rise of Kingship.

In this connection, there are certain theories adduced by the political philosophers of the past, of which the most important

3. H. Spencer, *Political Institutions* (p. 342)

is the theory of Social Contract, principally connected with the names of Hobbes, Locke and Rousseau. According to this theory, man originally lived in a state of nature which, according to Hobbes, was one of savagery and strife when men lived in a state of continued fear and danger of violent death. The state of nature having become unbearable, men entered into a contract by which they united themselves into a body politic and created a government which, according to Hobbes, was an absolute monarchy with irrevocable authority, and according to Locke, a limited monarchy in the nature of a trusteeship. It will thus be found that by exponents of the Social Contract theory the origin of kingship and for the matter of that, of the state, is traced to a social contract. The theory finds a place in Sarskrit literature also. The following passage occurs in the *Maha Bharata*<sup>4</sup>. 'If there were no king on earth for wielding the rod of chastisement, the strong would then have preyed on the weak after the manner of fishes in the water.' This is the state of *Matsya-Nyaya* constantly referred to by Manu, Kautilya, and other Hindu authors. As an explanation of the origin of government or of kingship, the contractual theory has however been rejected in modern times and it is needless for us to go further into it at this stage.

Kingship, like every other institution, must be regarded as a growth, the product of a process of evolution. To understand its origin, we have to go back to the patriarchal family which, in the case of all peoples that have made striking progress and contributed much to modern civilisation, is found to be the root, the starting-point, of their organisation. The patriarchal state with the bond of kinship uniting its members may perhaps be regarded as an evolution from the patriarchal family or at least, as being organised on its basis. The family in course of time expands into a gens or clan, (that is, an aggregate of families); an aggregate of gentes makes a tribe.<sup>5</sup> The patriarchal organisation of the family becomes the model for the organisation of the gens and tribe as well. The patriarchal chief of the tribe is the counterpart of the patriarch of the

4. The Mahabarata—*Santi-Parwan* (V. 16).

5. Aristotle—*The Politics* (Weldon's Tr.)—pp. 4—5.

family; the position and powers of the former are largely similar to those of the latter. In this connection, this is what Woodrow Wilson observes.<sup>6</sup> "Government must have had substantially the same early history among all progressive races. It must have begun in clearly defined family discipline. Such discipline would scarcely be possible among races in which consanguinity was subject to profound confusion and in which family organisation therefore had no clear basis of authority on which to rest. In every case, it would seem that the origination of what we should deem worthy of the name of Government must have awaited the development of some such definite family as that in which the father was known and known as ruler; whether or not the patriarchal family was the first form of the family, it must have furnished the first adequate form of government."

In connection with the origin of permanent political headship, the patriarchal system is specially noteworthy. The matriarchal system is hardly conducive to the stability of such headship. As a consequence, it is found that along with descent through females, there either goes no chieftainship or such chieftainship as exists is established by merit or if hereditary, is usually unstable. The Australians and Tasmanians supply typical instances. On the other hand, succession in the male line is found to be more conducive to the stability of political headship. The following is the explanation given by Herbert Spencer<sup>7</sup> :— "Of probable reasons for this, one is that in the patriarchal group, as developed among these pastoral races from which the leading civilised peoples have descended, the sentiment of subordination to the eldest male, fostered by circumstances in the family and in the gens, becomes instrumental to a wider subordination in the large groups eventually formed. Another probable reason is that, with descent in the male line, there is more frequently a union of efficiency with supremacy. The son of a great warrior or man otherwise capable as a ruler, is more likely to possess kindred traits than is the son of his sister; and if so, it will happen that in those earliest stages when personal superiority is requisite as well as

6. W. Wilson, *The State* (Revised Edition)—p. 13.

7. H. Spencer, *Political Institutions* (pp. 347—318).

legitimacy of claim, succession in the male line will conduce to maintenance of power by making usurpation more difficult."

So much about the patriarchal origin of kingship. It must not, however be supposed that this is the only origin. In fact, different causes might have operated in different cases to give rise to political headship. Even in modern times, in the case of many primitive tribes, we find the phenomenon of the rise of headship taking place for some reason or other. An examination of these phenomena is likely to be helpful in the elucidation of certain other factors that have contributed to the rise of chieftainship or kingship.

In the first place, it is found that the demands of constant and continual warfare often lead to the rise of permanent headship. When a tribe is threatened by danger or involved in war, it is driven by necessity to appoint a leader uniting in himself lively vigour and courage. The continuity of war conduces to the permanence of leadership. With increased influence as successful military leader, the chief also gains influence as civil leader. 'War begets the king.' In the case of many tribes and peoples, we find that there is a union between military supremacy and political supremacy, that the king is also the supreme commander. The influence of war on the rise of kingship is thus pointed out by Sohm in the case of the primitive Germans :— "The kingship became united with the leadership of the army (became permanent) and as a consequence raised itself to a power in the State. The military subordination under the king-leader furthered political subordination under the king..... Kingship after the Roman invasions is a kingship clothed with supreme rights—a kingship in one sense."

Secondly, in the case of many tribes we find that the medicine-man or magician who naturally holds a predominant position sometimes acquires, or is elevated to, the position of kingship.<sup>8</sup> It has already been observed that the primitive man has implicit faith in the existence of spirits—the spirits of the dead and the spirits of nature. It cannot be difficult to understand that the medicine-man professing ability to control

8. For a collection of interesting details, vide Fraser—*Lectures on the Early History of the kingship* (Lectures II & III).

them by means of his sorcery and inspiring faith in his pretensions, naturally comes to be regarded with mysterious awe and acquires unique influence. There is nothing, it is believed, which a conjuror cannot effect. He can bring about rain or drought, inflict disease or death, stay the tides or still the storm. "Though the Tasmanians were free from the despotism of rulers, they were swayed by the counsels, governed by the arts or terrified by the fears of the *medicine-men*." A chief of the Haidas "seems to be the principal sorcerer and indeed to possess little authority save from his connection with the preterhuman powers." Of the founder of the Mexican power we read that "a great wizard he had been and a sorcerer." Of Solomon it is said that he was not only king of the whole earth but also reigned over devils and evil spirits and had the power of expelling them from the bodies of men and animals and also of delivering people to them. 'Thus one important factor in the genesis of political headship originates with the ghost-theory... ...Generally the chief and the medicine-man are separate persons.....But where the ruler joins with his power naturally gained this ascribed supernatural power, his authority is necessarily much increased.'<sup>9</sup> What has taken place in comparatively modern times must have taken place in ancient times as well under similar conditions and it may therefore be imagined that in times primeval, many chiefs or kings might have developed out of medicine-men.

Thirdly, religion too has played a vital part if not in the actual origination, at any rate, in the growth and exaltation of kingship. A feature of the religion of primitive man is the worship of ancestors who are deified. The living ruler comes to be regarded as descended from a deified ancestor, a god, and is endowed with his supernatural powers. His position is thus not a little strengthened and exalted. In certain ancient communities, it is further found that the ruler is regarded not only as a descendant of the gods but as god himself. It was so with the ancient Peruvians, the ancient Egyptians, to some extent, with the ancient Indians. The king was invested with the halo of divinity and his authority had a divine sanction. Natural

9. Herbert Spencer. *Political Institutions* (P. 341).

power was thus reinforced by supernatural power. The king is the high-priest of the tribes and rules not only the bodies but also the souls of men. 'In early society,' says Dr. Fraser,<sup>10</sup> 'the divinity that doth hedge a king is no mere figure of speech.' Another famous writer observes that with the ancients 'the stock was a religious community, the king a Pontiff, the magistrate a priest, the law a sacred formula, patriotism piety and exile excommunication.'<sup>11</sup>

Fourthly, the rise of political consciousness among a people must also be considered as a potent factor in the origination of kingship, and for the matter of that, of the state. Amongst very primitive peoples this consciousness is entirely absent. It is only as they advance in wealth and population that they slowly begin to realise the necessity for some sort of order and organisation. "No aggregation of people could long exist without some form of association, of communication and of more or less co-operation..... Increasing contact of man with man compelled some sort of regulation concerning personal relations. As wealth increased in the pastoral and agricultural stages, some regulation concerning things as well as persons was needed. Thus arose crude beginnings of law and government, and as economic life advanced, more definite and authoritative regulation was needed."<sup>12</sup>

#### IV

##### The value of kingship in early times.

However much the institution of kingship might have lost prestige or influence in modern times, the fact cannot be denied that, in the case of ancient communities just emerging from savagery into civilisation, monarchy, even despotism, was of supreme value, as a potent instrument of progress.\* Monarchy was then the only form of government that was possible or

10. For an elaborate treatment of this topic, with a wealth of illustrations, the reader is referred to J. G. Fraser's *Golden Bough* as well as his smaller works, *Psyche's Task* and *Lectures on the Early History of the Kingship*.

11. Fustel de Coulanges—*The Ancient City* (by W. Smell) —PP. 51—52

12. Gettel—*Introduction to Political Science* (P. 46).

desirable; it was the only alternative to anarchy. If democracy is the watchword of civilised nations to-day and has made or is making strident progress everywhere, it should not be concluded that it is equally possible or desirable in all ages and for all communities. Even in modern times the institution cannot be said to have functioned with equal success, or utility, in all countries and there are backward communities and peoples, not fitted for it at all.

There are, in fact, certain conditions essential for democracy. It is this form of government that makes a larger demand than any other, on the virtues and capacity of citizens. The people in general must be sufficiently educated and enlightened. They must be patriotic and public-spirited and take an intelligent interest in politics. They must be free from an unhealthy spirit of parochialism or communalism and show a spirit of tolerance and mutual accommodation. "The theory of democracy assumes a far higher level of good sense, judgment, honest purpose, devotion to the public welfare, in the citizen of a free country than is to be looked for or needed, in the subject of a despotic monarchy or an oligarchy." In the case of primitive communities just emerging from the slough of barbarism, what they most required was a training in discipline and obedience. It was the iron hand of despotism that welded these communities into unity, gave them peace and order and made them capable of progress. "A single-minded resolute man was infinitely more useful than the timid and divided counsels of the elders. The community then grew by conquest and other means both in population and wealth, two necessary elements in moral and intellectual advance. Despotism, at this stage, as in more advanced stages, was the best friend of progress and liberty, for it provided the means of advance and gave scope for the development of individuality."<sup>13</sup>

The same view is thus expressed by H. Spencer.<sup>14</sup> "The evidence obliges us to admit that subjection to despots has been largely instrumental in advancing civilisation. Induction and deduction alike prove this. If, on the one hand, we group together

13. Gilchrist, *Principles of Political Science*. (P. 91).

14. H. Spencer, *Political Institutions*. (P. 361).

those wandering headless hordes which are found here and there on the earth, they show us that in the absence of political organisation, little progress has taken place.....If, on the other hand, we glance at those ancient societies in which considerable heights of civilisation were first reached, we see them under autocratic rule. In America, purely personal government, restricted only by settled customs, characterised the Mexican, Central American and Chibcha States, and in Peru the absolutism of the divine king was unqualified. In Africa, ancient Egypt exhibited very conspicuously this connection between despotic control and social evolution. Throughout the distant past it was repeatedly displayed in Asia, from the Accadian civilisation downwards ; and the still extant civilisations of Siam, Burma, China and Japan re-illustrate it. Early European societies, too, when not characterised by central despotism, are still characterised by diffused patriarchal despotism. Only among modern peoples, whose ancestors passed through the discipline given under this solid form and who have inherited its effects, is civilisation being dissociated from subjection to individual will."

To the students of ancient history, it is well-known that it was under the fostering care of despots that civilisations grew up and flourished in the valleys of the Nile, the Euphrates and many other regions. It was under the rule of despots that the communities settled in these regions made advance in wealth and population, developed the arts of peace and war, founded temples, palaces and cities, cultivated astronomy, mathematics, medicine and other sciences, and pursued an extensive trade by land and sea, as might be inferred from the many curious remains and relics of their civilisation that are still extant. In ancient Egypt, the Pharaohs who were obsessed with a passion for building immortalised themselves by raising vast piles—the Pyramids,—as their sepulchral monuments. “The story of the Tigris and Euphrates civilisation,” writes Wells,<sup>15</sup> is a story of conquest following after conquest..... Meanwhile the plough does its work every year, the harvests are gathered, the builders build as they are told, the tradesmen work and

acquire fresh devices ; the knowledge of writing spreads, novel things, the horse and wheeled vehicles and iron, are introduced and become part of the permanent inheritance of mankind ; the volume of trade upon sea and desert increases, man's ideas widen and knowledge grows.....For four thousand years, this new thing, civilisation, which had set its root into the soil of the two rivers, grew as a tree grows, now losing a limb, now stripped by a storm, but always growing and resuming its growth."

Dr. J. G. Fraser bears equally eloquent testimony to the importance of kingship in primitive society. Thus he observes<sup>16</sup>:- "No human being is so hide-bound by custom and tradition as your democratic savage: in no state of society consequently is progress so slow and difficult...He is a slave, not indeed to a visible master but to the past, to the spirits of his dead forefathers, who haunt his steps from birth to death and rule him with a rod of iron.....The rise of one man to supreme power enables him to carry through changes in a single life-time which previously many generations might not have sufficed to effect. Even the whims and caprices of a tyrant may be of service in breaking the chain of custom which lies so heavy on the savage.....Nor is it an accident that the first great strides towards civilisation have been made under despotic and theocratic governments, like those of China, Egypt, Assyria, Mexico and Peru..... It is hardly too much to say that at this early epoch despotism is the best friend of humanity and, paradoxical as it may sound, of liberty.

16. J. G. Fraser—*Op Cit.* PP. (84—87).

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## CHAPTER II.

### KINGSHIP IN ANCIENT INDIA.

#### I

##### Introductory.

WITH strict adherence to truth, it may be observed that kingship was the normal type of government in ancient India. It was not, however, the only type. A great many republics also appear to have flourished in several parts of northern India. In fact, K. P. Jayaswal gives a long list of 81 such republics<sup>1</sup>. There are distinct references to many of these in the works of Greek and Buddhist authors, in the *Artha-sastra* and in the Epics. It must, however, be remembered that most of these republics were extremely small, being petty clans or tribes, and that their smallness was not a little responsible for their downfall. "Nations and States which remain small, whatever their virtues, are not allowed to exist. Large states which developed greedy fangs, devoured up small sovereignties." However efficiently and successfully these small states might have administered their affairs, they do not appear to have made any abiding contributions to Indian culture and civilisation and have left but faint traces on the sands of history. Further, there is difference of opinion as regards the ethnic affinities of these republican clans. Dr. Vincent Smith inclines to the view that many of them—especially those on or near the Himalayan frontier, such as the *Sakhyas* and the *Lichchavis*—were Tibetan in origin and Mongolian in stock while, on the contrary, Jayaswal and certain other writers are emphatically of opinion that all or most of them were Indo-Aryan<sup>2</sup>.

When all is said, it is the monarchic State that dominates the stage of Ancient Indian History. Monarchy is the earliest

1. K. P. Jayaswal—*Hindu Polity* Part I. Appendix B.

2. For a discussion of this point, refer to Jayaswal. *Cp. Cit. Ch. XXI.*

and the normal type of polity. The kingly states are Indo-Aryan in the north and Dravidian in the south. They are compact, well-organised, highly evolved in the arts of war and peace. It is the monarchies which engaged the attention of Indian thinkers and philosophers and elicited from them a large body of literature which, having regard to its intrinsic value, must be our precious heritage for ever. As observed by Ghosal<sup>3</sup> "by far, the largest body of political ideas of the Hindu writers is concerned with the monarchies. The Hindu political theory, indeed, is essentially the theory of the monarchic State".

## II

### The origin of kingship and its importance according to Hindu writers.

According to Hindu writers, kingship is a supremely important, nay, an essential institution—the *sine qua non* of peace and order, and of material and moral progress in a community. "Of what kind the king's character is," says Kautilya,<sup>4</sup> "of the same kind will be the character of his people: for their progress or downfall, the people depend upon the king: the king is, as it were, the aggregate of the people". The monstrous disorders of the state of *arajaka* (anarchy) or the state of nature and the sublime character of kingship and the blessings accruing from it have been described with glowing fervour and in graphic and picturesque language in both the Hindu Epics.

In the *Ramayana*<sup>5</sup> we are told how, after the exile of prince Rama and the death of king Dasaratha, the Brahmanas and the ministers approached Vasishta, the royal priest and prayed to him to appoint a king over the Ikshakus forthwith, lest the kingdom might perish in the absence of a king. The prayer was reinforced by a passionate plea in favour of monarchy. "In a kingless state the clouds do not sprinkle the earth with rain: the seeds are not sown; the son does not obey the father nor the

3. *Hindu Political Theories* (1928)—P. 16.

4. *Artha-Sastra* (Shama Sastry's Translation)—Book VIII—P. 378.

5. *Ramayana* (Ch. LXVII.) Vide Ghosal—*Hindu Political Theories* (P. 171).

wife her husband; there exists neither wealth nor family: truth does not prevail. There the Brahmana does not perform sacrifices, festivities and social gatherings do not take place; the girls decked with golden ornaments do not stroll to the gardens in the evening: the rich cultivators and herdsmen do not sleep with the doors of their houses unbarred; the merchants accustomed to wander long distances with rich wares do not travel with security; even the ascetic who is always in the habit of meditating on the Infinite Soul does not stay; and the soldiers are powerless to defeat a foe. Such a kingdom is like a river without water, a forest without grass and a herd of cattle without the herdsman. In such a kingdom nobody is one's own and the people constantly devour one another in the fashion of fishes..... The king is the Truth, he is virtue, he is the pedigree of the high-born, he is, as it were, the mother and the father; he surpasses by his excellent conduct the gods Yama, Kubera, Indra and Varuna. If the king did not establish the distinction between good and bad deeds, this universe, alas! would be like darkness and no sound knowledge could exist'.

The *Maha Bharata*<sup>6</sup> is not the less explicit or eloquent in its condemnation of the state of *arajaka*. In a picturesque passage which is closely reminiscent of the *Ramayana* passage quoted above, the blessings of kingship and the evils of kinglessness are vividly portrayed. In reply to a suggestive query of Vasumanas, the sage Brihaspati observes "that the duties of the people have their root in the king; the people do not devour one another through fear of the king alone; as creatures would plunge in dense darkness in the non-appearance of the sun and moon, so would people die without the king and they would sink into utter darkness like cattle without the herdsman. If the king were not to afford protection, property would not exist; neither wife nor child nor wealth would be possessed; everywhere wealth would be stolen; various kinds of weapons would be hurled against the virtuous; vice would be approved; the parents, the aged persons, the preceptors and the guests would suffer pain or death; there would be neither disapproval of adultery nor agriculture nor

6. *The Santi Parvan*. (Ch. LXVIII).

trade routes ; virtue would perish and the Vedas would not exist; there would be no sacrifices attended with rich presents, no marriages, no convivial meetings.....when the king affords protection, the people sleep with the doors of their houses unbarred ; the women, decked with all ornaments and unguarded by males, fearlessly walk about the streets ; the people practise virtue instead of harming one another ; the three classes perform great sacrifices of various kinds ; the science of agriculture and trade which is the root of this world exists in good order".

From passages like the above, we get an idea of the state of nature, as conceived by Hindu philosophers. It was a state of chaos and strife, vile and nasty, Hobbesian, in every respect. Hence the institution of kingship, to rescue the people from this state of *Matsya-Nyaya*. The theory of the Divine origin of kingship as well as that of its contractual origin—both find a place in Sanskrit literature <sup>7</sup>. The former theory is commonly found in the law-books, the *Maha-Bharata* and some of the Puranas. In the *Maha-Bharata*, Bbisma relates how, when the people suffered untold misery from the state of anarchy, the Devas approached Vishnu and besought him to appoint a leader of men and how, from His mind, sprang Virājasa. One of his descendants was Vainya who was invested with kingship by the sages. He turned out to be an ideal ruler and even Vishnu was so much pleased that He entered into the king's body and thus infused him with divinity <sup>8</sup>. The theory of Social contract finds its place in the Buddhist canons, the *Artha-Sastra* and many other Sanskrit works. Kautilya observes that under the stress and sturm of anarchy, the people elected Manu as their king and laid down the conditions of his office <sup>9</sup>. "This theory of contractual monarchy "observes Jāyaswal,"<sup>10</sup> found support in Vedic hymns and songs of royal election, in rituals of royal consecration which

7. For a discussion of the various theories re: the origin of kingship vide V. R. R. Dikshitar—*Hindu Political Institutions* PP. 14—18 & PP. 56—64.

8. *Santi-Parva*—Lvi 95—153.

9. *Artha-Sastra* Book I—Ch. xiii.

10. *Hindu Polity*—Part ii—PP. 5—6.

were based on elective principles and in the coronation oath which made the king swear that he would rule according to law."

It may also be inferred from the above passages that, according to Hindu writers, the sphere of kingly duties and activities was all—embracing, touching life at all its points. This is the theory of royal or governmental omnicompetence—a theory which has been subjected to so much criticism in these days. The king was not only to maintain peace and order and afford protection to his subjects, he was not only to encourage arts and agriculture and advance the material prosperity of his people but he was also to safeguard the interests of family and social life, to uphold the cause of dharma, to uproot vice and immorality, to keep the varnas to their respective duties and to promote the cause of virtue and religion. To one who reads these and similar passages in these days, it would appear that too glowing a picture has been painted of kingship and of its place in the scheme of things and that a great deal more is credited to, and expected of, the king than is legitimately possible. But such is the ancient Indian conception of kingship—a lofty conception indeed!

### III

#### The conception of the king's divinity.

The idea of the divine character of kingship is common to Hindu writers and extant throughout the whole range of Sanskrit literature, from the *Rig-Veda* to the *Sukra-Niti*. There is a hymn in the *Rig-Veda*,<sup>11</sup> in which Trasadasya, king of the Purus, says:—".....The Gods associate me with the acts of Varuna.....I am king of Varuna; on me the Gods bestow these principal energies that are destructive of the Asuras.....I am Indra, I am Varuna, I am those two in greatness. I am the vast, profound, beautiful heaven and earth. I give animation to all beings....." Proceeding to the *Brabmanas*, we come across a passage in the *Satapata Brahmana* stating<sup>12</sup>:—"He who is consecrated truly draws nigh to the Gods and becomes one of the deities." The conception emerges in the Epics and

11. *Rig Veda*—IV—42 (Wilson's translation Vol. III—pp. 203—205).

12. *Sat Br*—III 1. 1. 8. This idea is repeated in many subsequent passages.

becomes the nucleus for several others allied to it. In the Epics we find the king identified with several deities; Sukra, Brahaspati, Prajapati, Vishnu, Fire, Vaisravana, Yama.<sup>13</sup> In the *Manu-Samhita*, the king is spoken of as God in human form.<sup>14</sup> He is the incarnation of the eight guardian deities of the world, Moon, Fire, Sun, Wind, Indra, Kubera, Varuna and Yama. The lord created the king out of the eternal particles of these deities for the protection of the universe. The taint of impurity does not affect the king, for he is seated on Indra's throne. This divine conception of kingship occurs again in several of the Puranas and in Sukra's *Niti-Sara*. The *Brithaddharma Purana* for example, states in one place<sup>15</sup> that the king assumes the forms of five distinct deities and therefore none should injure or vilify him. The idea of the king being created out of the eternal particles of eight deities, that we find embodied in the *Manu-Samhita*, is revived and repeated by Sukra in his famous *Niti-Sara*.<sup>16</sup>

The deification of kings has been found by anthropologists to be common to all primitive peoples, whatever might be the causes, for it. The Indo-Aryans were, however, no primitive people. They had made giant strides in culture and civilisation and scaled dizzy heights of philosophic thought. The theory of divine right of kingship could have been with them no mere trick of fancy or superstition. As a possible explanation, it may here be observed that this theory of divinity, instead of being taken literally, is to be understood in a figurative sense, as signifying that the king indeed held a position as exalted as that of the Gods, that he should be possessed of divine attributes, that earthly power must show likest God's, that the king must rule on earth as Gods rule in heaven. Unlike the western theory of divine right, propounded in the 16th and 17th centuries by James I, Filmer, Bosseut and a host of other writers with a view to support royal absolutism and irresponsibility, the Hindu conception of divine right is a sublime spiritual ideal, imposing a solemn

13. *Maha Bharata* III—185—26—30 *Ramayana* II, 122, 17 ff.

14. *Manu*, VII, 4—8.

15. *Uttara Kandom* III. 6—7.

16. *Niti-Sara* I (71—72).

trust and responsibility on the king—that is, to raise himself to the level of the Gods in discharging the duties allotted to him. Thus observes B. K. Sarkar<sup>17</sup>:— “The Hindu king is not ‘Vicar of God’, as understood by medieval western philosophers, imperial as well as anti-imperial. The divinity that hedges the monarch is the glory and importance of the functions that he has to perform as *Swamin*. By analogizing the marks of *aisvarya* (sovereignty) with the attributes and *Sakti* of the Gods, Sukra wants the people to understand nothing more than the fact that kingship consists in protection of person and property, administration of justice, diffusion of culture and dharma, philanthropy and charity and last but not least, realisation of revenues.”

#### IV

##### The ideals of Raja Dharma.

If the king's government is to approximate to God's government, then it is necessary that the king himself should be possessed of divine attributes. Consequently, we find that all Sanskrit works dealing with *Danta-Niti* pay considerable attention to the training and education of the prince and the cultivation by him of manifold virtues and accomplishments. The object of this education is not merely the imparting of knowledge, secular and spiritual but what is more important, the development of character. It would appear that, as early as the third year, the prince was placed in the charge of competent teachers who instructed him in the alphabet and mathematics. From his eleventh year—the age for investiture ceremony—till his sixteenth, he was taken through a course of higher studies comprising the three Vedas, logic, economics and politics, the last two subjects being taught by heads of departments with practical experience. In addition he had to study the *Ithihasas* and was given a good grounding in the various branches of military science. “During the period of studentship” observes Narendranath Law<sup>18</sup> “the prince has to live the austere life of

17. B. K. Sirkar—*The Political Institutions and Theories of the Hindus*  
P. 179.

18. *Aspects of Ancient Indian Polity*—P. 72.

a *Brahmacharin*, observing celibacy and undergoing the hardships involved in the study of the different subjects." "In view of maintaining strict discipline" says Kautilya<sup>19</sup> "he shall ever and invariably keep company with aged professors of sciences in whom alone discipline has its firm root." The necessity for this rigorous discipline was well realised by the ancient Hindu statesmen and philosophers. The importance attached to the education and training of princes by Hindu philosophers reminds as of the equal importance attached by Plato to the training of his class of guardians or rulers.

What are the qualities of head and heart that should adorn a ruler? They are all summed up by Kautilya in an eloquent passage which deserves to be cited in full:—<sup>20</sup>

"Born of a high family, godly, possessed of valour, seeing through the medium of aged persons, virtuous, truthful, not of a contradictory nature, grateful, having large aims, highly enthusiastic, not addicted to procrastination, powerful to control his neighbouring kings, of resolute mind, having an assembly of ministers of no mean quality and possessed of a taste for discipline—these are the qualities of an inviting nature.

Inquiry, hearing, perception, retention in memory reflection, deliberation, inference and steadfast adherence to conclusions are the qualities of the intellect.

Valour, determination of purpose, quickness and probity are the aspects of enthusiasm.

Possessed of a sharp intellect, strong memory and keen mind, energetic, powerful, trained in all kinds of arts, free from vice, possessed of dignity and foresight, ready to avail himself of opportunities when afforded, in respect of place, time and manly efforts.....making jokes with no loss of dignity or secrecy, never brow-beating and casting haughty and stern looks, free from passion, anger, greed, obstinacy, fickleness, haste and back—biting habits, talking to others with a smiling face and observing customs taught by aged persons—such is the nature of self-possession."

19. *Artha-Sastra* (Shama Sastry's translation) P. 10

20. *Ibid*—Book VI—Chapter I

In carrying on his government the king was not to be actuated by any sordid or selfish motives but was to regard the welfare of his subjects as his sole concern. Justice and righteousness must be his paramount rule of conduct. "The king", says the sage Utathya, in the *Mahabharata* <sup>21</sup> "exists for the sake of righteousness and not for self-gratification". Again, addressing the king Vasumanas, the sage Vamadeva says:—"Follow righteousness alone, there is nothing higher than righteousness, for it is those kings that are devoted to righteousness that succeed in conquering the earth." The king is to identify his interests with those of his subjects and ever to scorn delights and live laborious days for their sake. The ideal is thus stated in the *Artha-Sastra* <sup>22</sup>.

"Of a king the religious vow is his readiness to action; satisfactory discharge of duties is his performance of sacrifice; equal attention to all is the offer of fees and ablution towards consecration.

In the happiness of his subjects lies his happiness; in their welfare his welfare; whatever pleases himself he shall not consider as good but whatever pleases his subjects he shall consider as good."

A passage of the *Kalikapurana* <sup>23</sup> states that the king is the son of the sonless, the riches of the poor, the mother of the motherless, the father of the fatherless, the protector of those who have no supporter, the husband of the widow, the servant of those who have none such and the friend of men. It is not possible to conceive of a higher or more inspiring ideal of kingly conduct than this.

In the *Artha-Sastra*, there is a special chapter <sup>24</sup> giving a programme of the king's daily life and duties. What we learn from it is that the king's office was not a bed of roses nor the palace a paradise but that the kings' daily life was a ceaseless round of toil and duty—diligently attended to and discharged—with but a few hours spared for rest, recreations or even sleep.

21. *Santi Parvan*—xc. 3-5.

22. *Artha-Sastra* (Shama Sastry's translation)—page 41.

23. *Kalika-Purana*—P. 30.

24. *Artha-Sastra*—Chapter XIX.

The whole body of Sanskrit literature dealing with *Danda-Niti* is replete with sublime or sagacious maxims of Raja-Dharma.

## V

### The position and responsibility of the king.

What was the position of the Hindu king? Was he conceived as an irresponsible autocrat or as one strictly subject to the rule of law and responsible to his subjects? Everyone has heard of the creed of the early and medieval Church-Fathers, according to which even Nero was ruler by divine right and even a tyrant like Saul was above criticism as well as of the Hobbesian doctrine of social contract, according to which the people are said to have permanently and irrevocably surrendered all their rights to the king as sovereign, with the result that he was left absolute and irresponsible.

A doctrine like this is wholly alien to Hindu writers on politics and is never met with in the whole range of Sanskrit literature. On the other hand, the subjection of the king to law and his responsibility to the people for righteous conduct and rule have been emphasised over and over again in clear and unequivocal language. In the Vedic period, the kingship was elective, the king being elected by the people assembled in the *Samiti*. At the time of election he was clearly reminded of his duties to the people:

"Here be you firm like the mountain and may you not come down. Be you firm here like India; remain you here and hold the State.

Vanquish you firmly, without falling, the enemies and those behaving, like enemies, crush you under your feet ..." <sup>25</sup>

Again:—

"The people elect you to rulership; the wide, glorious quarters elect you. Be seated on this high point in the body of the State and from there rigorously distribute the natural wealth" <sup>26</sup>

If the king abused his trust, he was liable to deposition and even banishment.

25.  *Rig Veda*—X 173. Also the *Atharva Veda* VI 57—58.

26. *Atharva Veda*—III, 42.

In the age of the Brahmanas, the ceremony of coronation became important and elaborate. In the course of the ceremony, the king-elect was called upon to take a coronation oath which is couched in the following terms in the *Aitareya Brahmana*.<sup>27</sup>

"Between the night I am born and the night I die, whatever good I might have done, my heaven, my life and my progeny, may I be deprived of, if I oppress you!"

The business-like and contractual character of the oath is noteworthy. The king clearly acknowledges the right of the people to deprive him of throne and even of life, if he were to oppress them.

Again, in the course of the ceremony, sovereignty is firmly vested in the new king and that, for certain specified objects<sup>28</sup>:—

"To thee the State is given: thou art the director and regulator, thou art steadfast and bearer: to thee (this State is given) for agriculture, for well-being, for prosperity, for development."

It is clear from this that kingship was regarded only as a solemn trust held for the realisation of certain important ends.

In the *Maha-Bharata*, the coronation oath is thus given<sup>29</sup>:—

"I will see to the growth of the country, regarding it as God himself and ever and always: whatever law there is here and whatever is dictated by ethics and whatever is not opposed to politics, I will act according to it unhesitatingly. And I will never be arbitrary."

Thus says Manu<sup>30</sup>.

"Only a king who is honest and true to his coronation oath and follows the *Sastras* and rules with colleagues (Ministers) could wed the Danda, not one who is despotic, greedy, stupid and who rules personally".

The duty of passive obedience on the part of the subjects is never recognised by Hindu writers. On the other hand, their right of resistance to a despotic or oppressive ruler, is clearly set forth. If a king were to act in a manner contrary

27. *Aitareya Brahmana* VIII 15

28. *Satapatha Brahmana* V. 2. I, 25.

29. *Santi Parvan* Lix 106-107.

30. *Manu Samhita* 30-31.

to law and morality or lay his heavy hand upon his subjects, they would be absolved from their allegiance to him and justified in offering him resistance. The *Maha-Bharata* goes to the extent of saying that such a king should be slain by his combined subjects. A similar observation is made by Manu as well as by Sukra. "The king who through foolishness arbitrarily tyrannises over his own State is very soon deprived of his kingdom and life together with his kith and kin"—says the former.<sup>31</sup> Sukra observes that the people should "desert the tyrant as the ruiner of the State. The discontent may assume larger proportions and destroy the monarch with his whole family."<sup>32</sup>

Quite in keeping with this conception of the king's position is the Indian conception of revenue as but the wages paid to the king by his subjects for the services rendered by him.

## VI

### The verdict of History.

The question may now be asked:— How far was this high ideal of kingship realised in actual history? Do we find the ideal generally embodied in the lives and conduct of the kings of ancient India? What is the verdict of history?

It may well be imagined that the ideas and ideals of kingship embodied in Hindu works on *Danda-Niti* must have exercised a great deal of influence in their age and contributed not a little to mould the lives and conduct of many ruling princes. Unfortunately, many large tracts in the political history of ancient India are still shrouded in darkness. The literature that is extant is scanty and scrappy and at best, can throw but a few broken, fitful gleams of light on a *terra incognita*. It might be that a good many kings flourished in ancient India who had claims to be regarded as ideal rulers and that the lives and deeds of many of them are unrecorded in history.

Even so far as our knowledge extends, we come across many rulers of great distinction whose reigns constitute

31. *Manu Samhita*—VII, III 112.

32. *Sukra Niti*—IV II. 49.

resplendant epochs in Indian History. Not to speak of epic and legendary heroes, we come across, in the domain of history itself such illustrious rulers as Chandragupta, Asoka, Kanishka, Samudragupta, Chandragupta Vikramaditya, Harsha Vardhana, Bhoja, Nandi Varman, Raja Raja the Great, to mention but a few outstanding personalities. All these princes are known to have lived up to high ideals of duty and conduct and have a record of glorious achievements to their credit—as warriors, or statesmen, or benefactors or patrons of arts and letters or as accomplished scholars and artists. The lives of Asoka and Harsha alone will suffice to shed an eternal lustre on Indian kingship.

In Asoka we have a king who sublimely dedicated his life to the common weal, and strove with might and main for the promotion of virtue and dharma among all classes of his subjects. Abandoning all dreams of material conquest after the Kalinga war, we find the king sheath the sword for ever and, fired with the zeal of an apostle, enter on a career of moral conquest. This is what the great Emperor says of himself :— <sup>33</sup>

“Now by me this arrangement has been made that at all hours and in all places—whether I am dining, or in the ladies’ department or in my private room—the Official Reporters should report to me on the people’s business; and I am ready to do the people’s business in all places. For the welfare of all folk is what I must work for and the root of that again is in effort and the despatch of business. And whatsoever exertions I make are for the end that I may discharge my debt to animate beings, and that while I make some happy here, they may in the next world gain heaven.”

Harsha Vardhana is out and out one of the greatest of Indian rulers. We find the famous Chinese traveller Hioen Thsang—bear eloquent testimony to the greatness of his character and the beneficence of his rule. Once every five years, at a great assembly at Prayag, the Emperor was in the habit of giving away all his hoarded wealth, to the last coin or the last raiment, as presents to those assembled. These are the words of Hioen Thsang <sup>34</sup>.

33. Rock Edict, 6.

34. Beal. *The Buddhist Records of the Western World*. Part I, P. 233.

"Having collected in this space of the charity enclosure immense piles of wealth and jewels, on the first day he adorns in a very suptuous way a statue of Budha and then offers to it the most costly jewels. Afterwards he offers his charity to the residential priests; afterwards to the priests from a distance; afterwards to the men of distinguished talent; afterwards to the heretics who live in the place; and lastly to the widows and bereaved, orphans and desolate, poor and mendicants". Such was Harsha, a monument of charity and beneficence!

## VII

### Constitutional limitations on the king.

Were the limitations on the king's power merely self-imposed or moral, in their nature? Did they consist merely in his training and character, his voluntary self-restraint, the binding force of custom and dharma, the apprehension of popular resistance in extremities or were there any constitutional organs operating as checks on the king's authority? In the Vedic period the Indo-Aryans were divided into a number of small tribes, each of which was ruled by a king or *Rajan*. The power of the *Rajan* appears to have been limited to some extent, by two assemblies—the *Sabha* and the *Samiti*. The constitution and powers of the two assemblies and their mutual relations are not clearly known. According to Jayaswal <sup>35</sup>, the *Sabha* was probably the standing and stationary body of selected men working under the authotity of *Samiti*, the latter being an assembly of the whole people. *Sabha* means literally 'a body of men shining together! Perhaps it corresponds to the assembly of nobles or elders, the *Bule* of the Homeric Greeks while the *Samiti* corresponds to their *Agora*. However this might be, the existence of these assemblies and the great power wielded by them are borne out by a hymn of the *Atharva Veda* <sup>36</sup>.

"May the *Samiti* and the *Sabha*, the two daughters of Prajapati concurrently aid me. May he with whom I shall meet co-operate with me; May I, O Ye Fathers, speak agreeably to those assembled.

35. *Hindu Polity*—Part I. P. 18.

36. *Atharva Veda* 7-12.

" We know thy name, O Assembly: Narishta verily is thy name. May all those that sit assembled in thee utter speech in harmony with me! "

In course of time, as the Indo-Aryans advanced steadily into the valleys of the Ganges and the Jumna and founded territorial states, the kings rapidly increased in power, dignity and importance and the Vedic assemblies of the tribal stage appear to have gradually decayed and even disappeared. Now we have to consider if there were any constitutional checks on the king in the later ages of Indian History, or if the king was left absolutely free and untrammelled. There is considerable difference of opinion on this question. Scholars like Dr. Vincent Smith contend <sup>37</sup> that "the normal Government of an Indian kingdom appears to have been always untempered autocracy or despotism". According to Smith, the Privy Council could not have been an effective check on the king and in any case the initiative and final decision rested with him alone. This view however has been strongly contested by Indian scholars and historians, most of whom hold that there was a real constitutional check in existence, namely, the council of ministers, *the mantri-parisad*. According to B. K. Sarkar, the ministry was the real pivot of government in the state. It is clearly stated in the *Artha-Sastra* <sup>38</sup> that "all kinds of administrative business are preceded by deliberations in a well-formed council. The subject-matter of a council shall be entirely secret.....". It is further stated that "the king shall do whatever the majority of the members suggest or whatever course of action leading to success they point out". I think it may safely be inferred from passages like these that the ministry, instead of being a mere dumb-show, must have played an important and effective part in government. It is a custom and principle of Hindu administration that the king should not act without the council of ministers. The law-sutras, the law books and the political treatises are all unanimous on this point. The paramount necessity of ministerial advice and co-operation for the king is, over and over again,

37. V. A. Smith—*Oxford History of India*, P. 80.

38. *Artha Sastra*—Shama Sastry's. Tr—Ch XV.

emphasised by all Hindu writers and law-givers, such as Manu, Yajnavalkya, Katyayana, Kautilya and Sukra <sup>39</sup>.

K. P. Jayaswal goes further and points out <sup>40</sup> that in the Epic, and the subsequent ages, there were also powerful popular assemblies in existence viz. the *Janapada* and the *Paura*. We come across occasional references to these in the Epics, Manu-Samihita, Asoka's Edicts, etc. According to him, the *Paura* was an assembly of the capital, a sort of metropolitan council while the *Janapada* was an assembly of the nation, a counterpart perhaps of the Anglo-Saxon Witan. Both the assemblies met at the capital and held joint deliberations so that practically they formed one assembly, the *Paura*—*Janapada*. It must however be observed that, beyond a few vague references in certain works, nothing definite is known as regards the organisation or the functions of this parliament of the people. According to some authorities even the existence of such an assembly is a matter of doubt. The subject indeed bristles with difficulties and needs a great deal of further investigation. The last word on it has yet to be said.

## VIII

### Kingship among the ancient Tamils.<sup>41</sup>

The ideal of kingship among the ancient Tamils, as revealed by the literature extant, such as the *Tolkappiyam*, the *Kural*, the Sangam works and by the great body of epigraphic evidence that has been unearthed is not less worthy or elevated than that of the Indo-Aryans. The pursuit and maintenance of *Dharma* is emphasised by writer after writer as the guiding principle of the king's life and conduct. "The king was to see that he himself does not fall away from the path of duty laid down for him as

39. For further information on this topic, vide V. R. R. Dikshitar—*Hindu Administrative Institutions*-Ch. III-Section 3. Also refer to the Appendix to this chapter for a discussion re. the *General Assembly* and the *Sabha*.

40. *Hindu Polity*—Part II—Chapters 27 and 28.

41. For a detailed account of this topic or rather, the ancient Hindu polity of South India, with a wealth of references and illustrations, the reader is referred to Dr. S. K. Aiyangar's recently published work—*Hindu Administrative Institutions in South India*. The brief account given in this section is mainly based on that work.

the protector of society, that he carefully removes that which is detrimental to the pursuit of Dharma or Duty, and that he maintains himself in this position of high responsibility.”<sup>42</sup> One of the Tamil works—the *Purana Nuru*—lays it down that at the root of the valour of the king lies the pursuit of Dharma and virtuous duty. That king deserves to be counted as a God among the people who properly protects the people and administers justice. Among his noble functions are counted “generous gifts to those in need, kindness to all those who come under his protection, unswerving justice and efficient protection to his subjects.” He must strive to understand what is acceptable to the people and to adopt it in his mode of life and action. The king must surround himself with friends older than himself, who had a thorough grasp of the principles and practices of Dharma. “As the king’s ministerial surroundings constitute his eyes a king must choose only those that could be used as trustworthily as his own eyes.”<sup>43</sup>

From ancient Tamil works we learn that the king was served in his daily life by eight groups of attendants—perfumers, garland-makers, betel-bearers, areca-nut servers, armourers, dressing-valets, torch or light bearers and body-guards.<sup>44</sup> It is obvious that the life he led, however strenuous and laborious, was not without gaiety and enjoyment. The *Chillap Adikaram* gives a picturesque description of the pleasure-trip of one of the Chera kings.<sup>45</sup> The king sets out from Vanchi with a large retinue of the daughters of the celestial race desirous of sporting with them in the flowery groves and in camps on a sandhill on the banks of the Periyar river, where the river quits the mountains and descends to the low country, spreading its waters around islets and groves and halls and temples. From there he views the lovely scenery and the rapid current of the river which bore on its bosom many a bright and fragrant flower. The king and the ladies are delighted by the songs of the hill-tribes.

42. S. K. Aiyangar *Op. Cit.* P. 56.

43. *Ibid*—P. 57.

44. *Mani-Mekalai*—Canto VII.

45. Cantos—25 to 30.

Events like these make us understand that the lives of the Tamil kings of old were not without a poetic and romantic side.

The duties of the Tamil king, like those of the early Indo-Aryan and Greek kings, were four-fold in character—religious, military, judicial and administrative. In the first place, he had to attend to certain religious duties, such as the performance of penance and sacrifices, especially in times of famine or pestilence. Secondly, he was the military head of the community and led the forces in war. "The literature of the age rings throughout with the din of strife. The kings lived and moved in the atmosphere of war and we find that it was for their military powers and achievements that they were esteemed by their subjects and extolled by their bards. One king is praised because he knew no fear on the battle-field and led the legions that smote and slew.<sup>46</sup> Another king is extolled because he with his sharp spear overthrew the kadambu which stood encircled by the sea and set the banner of the bow on the lofty Imaya mountains, to the astonishment of the celestials.<sup>47</sup> A third king is addressed as a dauntless young warrior and hailed as a victorious king who bore on his body fresh wounds received in battle."<sup>48</sup> In the third place, the king was, so to speak, the fountain of justice and was looked up to, to administer justice impartially and punish evil-doers. Fourthly, as the supreme head of the state, he had the right of initiative and final decision in all important affairs-internal and external. According to the *Tolkappiyam*, the duties ascribed to the king were five-fold:—learning, sacrificing, giving in patronage, protecting the people and punishing evil-doers.<sup>49</sup>

In carrying on the administration, the king is said to have been assisted by five groups or assemblies. These groups were—the Mahajana, the Brahmins, the physicians, the astrologers and the ministers.<sup>50</sup> Each of these bodies had some specific

46. Puram— 8.

47. *Chillap-Adikaram*— Canto 35.

48. Quoted from P. S. Ramakrishna Iyer's—*Polity and Social Life in Ancient Kerala*—P. 16.

49. S. K. Aiyangar—*Op. Cit.*—P. 80.

50. *Chillap-Adikaram*—iii—1—126.

functions to discharge. The Mahajana was an assembly of the people or rather, their representatives, deliberating on important matters and perhaps acting as a check on the king. The assembly of the Brahmins directed the religious ceremonies of the state and advised the king on religious matters. The assembly of the physicians constituted, perhaps, a Board of Public Health, dealing with all matters affecting the health of the king and his subjects. It was the duty of the assembly of astrologers to fix auspicious days for public ceremonies and predict important events. The work of the assembly of ministers consisted in the collection and expenditure of revenue and carrying on the routine administration. According to a second interpretation,<sup>51</sup> the groups of five were the ministers, the purohits, the generals, the ambassadors and the commissioners of information. However this might be, it may well be supposed that these groups together constituted the Council or the *Sabha*, of the king.<sup>52</sup> Thus observes Dr. S. K. Aiyangar<sup>53</sup>:—"In any case, it is clear that the body that constituted the council was composed of five groups of individuals, divided as given above and they constituted the standing council of the monarch whom he was bound to consult on all questions of importance." This council may be compared to the *Sabha* of the Vedic Indo-Aryans. Coming to later periods of Tamil history, we have sufficient evidence--mostly epigraphic--to warrant the inference that there was a council of ministers--a sort of *mantri-sabha*--in existence, to advise and assist the kings in administration. Perhaps, there were also occasions when the people or their representatives had also a share in the decision of questions. This is, at any rate, what may reasonably be inferred from an inscription of the Pallava period, relating to the royal election, on the death of Parameswara Póttarayan. "When the kingdom was thus upset" so runs the statement,<sup>54</sup> "the ministers, the chief inhabitants of the Ghatika (Brahmin settlement) and the chief citizens called *Mulaprakriti* met and

51. *Maduraik-Kanji*--ii--508--10.

52. *Chillap-Adikaram* (new Edition)--V--157--PP. 147 & 167.

53. S. K. Aiyangar--*Op. Cit.*--P. 20.

54. S. K. Aiyangar *Op. Cit.*--P. 105.

came to the conclusion that Hiranyavarma Maharaja of the Pallava family was quite capable of bearing the responsibilities of the Pallava kingdom, that he was of unsullied descent on both sides of his parentage and that an embassy be sent to him to invite him to come to the throne." The term, *Mulaprakriti*, signifies the hereditary subjects of the Pallavas and it is obvious from this passage that they had a voice—probably, through their representatives—in the election of the king. The *Mulaprakriti* may be said to correspond to the *Mahajana* (popular assembly) of the early Tamil period. Many inscriptions of the Chola period also bear witness to the existence of a council of ministers and higher officials, which used to be regularly consulted on all important matters, such as grants of land to temples. It is spoken of as *Udankuttam*, that is, the body of officers in immediate attendance on the king. As regards the strength of the council, we learn from one of the inscriptions that it consisted of seventeen members, of whom eight were officials and the rest, non-officials.<sup>55</sup>

At best, the council could have acted only as an advisory body to the king. The final decision in all important matters must have rested with the king alone and it was his will that must really have counted in the conduct of affairs. It may not be wrong to characterise such a government as a mild type of benevolent despotism.

55. For details re. the members of the council vide— S. K. Aiyangar  
*Op. Cit.*—PP. 263—264.

## CHAPTER III.

### KINGSHIP IN ANCIENT GREECE AND ROME.

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#### I

##### Kingship of the Heroic age.

FOR our knowledge of the earliest political institutions of the Greeks we must turn to the poems of Homer which afford us vivid glimpses into the life, ideas, activities and institutions of the Greeks of what is generally known as the Homeric or Heroic age, much as the famous Indian Epics do, in relation to the early Indo-Aryans. The Homeric age was the age immediately following the period of Greek migrations and settlements in the mainland, when the Greeks were still in the tribal stage and were organised in small village-communities. That this was the primitive condition of the Greek world is borne out by the testimony not only of Homer but also of later writers like Thucydides and Aristotle. The former states<sup>1</sup> that Hellas was not originally inhabited by any fixed population, that there were frequent movements of races and that the country was inhabited by a number of small communities seeking little more than the satisfaction of their daily wants. Tracing the genesis of the city-state, Aristotle points out<sup>2</sup> that the association of several households constitutes the village and that "the association composed of several villages in its complete form is the state." Thus, according to him, the family is the smallest unit and the clan or village-community, the intermediate unit, in the development of the *polis*.

The earliest government of the Greeks was monarchy. The king was believed to be of divine ancestry and even looked upon as a tutelary deity. Kingship ordinarily passed from father to son but it is probable that personal fitness-military or moral-was regarded as a necessary qualification. It was therefore open to

1. Thucydides—I—2.

2. *Politics*—I—2 (Welldon's Translation).

the people to reject a degenerate son who was found unequal to the tasks that his father had fulfilled. *Apropos* the origin of heroic kingship, Aristotle observes<sup>3</sup> that the founders of the monarchy, having proved themselves benefactors of the people in arts or war or by having united a number of villages in a state or acquired new territory, received the voluntary submission of their subjects and handed down the kingdom as an inheritance to their successors." Kingship was thus the legitimate reward for services rendered by a leader or, we may say, the prize of successful generalship. Again, according to this philosopher, a characteristic of, or qualification for, kingship was the possession of eminent virtue or moral excellence, by the holder of the office. The reason why kingly government was the rule in early times was therefore that "it was rare to find persons of extremely eminent virtue, especially as the states of those times were small."

The powers of the king were threefold : he was the chief priest, judge and military commander of the tribe. The king was the "Lord of the Sacrifices". In that capacity he kept up the fire, offered sacrifices for the community, pronounced prayers and presided at the religious repasts.<sup>4</sup> Homer represents the kings as continually occupied with sacrifices. Ancient writers like Aeschylus, Euripides, Zenophon, Demosthenes, Aristotle bear witness to the sacerdotal character of kingship. As judge, the king was "the keeper of the ordinances of Zeus, the interpreter of the unwritten law of the community."<sup>5</sup> The dooms or judgments pronounced by him were supposed to be inspired by Zeus. As general, he led the tribal host to battle and probably wielded the power of life and death on the field. In addition, the sceptred lord enjoyed several privileges, such as seats of honour at feasts, a large and choice share of booty and of food at sacrifices. On the whole, the king held a position of dignity and importance and was the pivot of the constitution. In this connection, it may be well to note the similarities between the

3. *Ibid*—III—14—PP. 146—147.

4. In connection with the religious authority of the king, *vide* Coulanges—*The Ancient City*—Ch. IX.

5. Greenidge—*Greek Constitutional History*—P. 17.

Greek kingship of the Heroic age and the Indo-Aryan kingship of the Vedic age.

The king's power, however great, was not absolute. In the first place, there was a Council of Elders—consisting of the heads of noble clans—whose opinion and advice the king was expected, if not bound, to take on all important matters. "In the puissant authority of the Council of Elders" says Prof. Bury,<sup>6</sup> "lay the germ of future aristocracy."

Secondly, there was the *Agora* or assembly of the people. As regards the position and influence of this body, there is some difference of opinion. According to Grote, the Homeric assembly of freemen was but a medium for promulgating the king's intentions to the people and never a restraint on his authority. "No division of affirmative or negative voices ever takes place nor is any formal resolution ever adopted. It is an assembly for talk, communication and discussion to a certain extent by the chiefs..... The multitude who compose it are listening and acquiescent, not often hesitating and never refractory."<sup>7</sup> This opinion is however contested by writers like Freeman and Gladstone who point out that speakers in the assembly had the business of persuading it, that it was the forum where heroes won glory and that it was much more than a mere vehicle of announcement.

Kingship did not, however, take a permanent root in Greek soil. About the middle of the eighth century B. C., monarchies fell throughout the Greek world and aristocracies took their place. In certain cases, the change was brought about by the impotence and imbecility of the crowned heads, and in others by their tyranny and oppression. The main cause was, however, the rise of city-states. "A city-state tends to be a republic." Thus observes Prof. Sidgwick<sup>8</sup>:—"At the same time, it is, I think, to this development of civilised life in small, separate, communities tending to become city-states that the transition from kingship

6. J. B. Bury—*History of Greece*—P. 71.

7. Grote—*History of Greece*—Part I—Ch. XX—Quoted in Sidgwick's *Development of European Polity*—P. 35.

8. Sidgwick—*Development of European Polity*—P. 71.

and the further series of changes through which the political institutions of Greece passed is largely to be attributed. While kingship spreads and develops among the Germanic tribes, during the first few centuries in which they are known to us, largely, it would seem, from the value that it is felt to have as the bond and symbol of national unity, so, on the other hand, the smallness and concentrated residence of the Hellenic communities appears to have rendered the bond superfluous and the symbol unimpressive."

## II

### The age of tyranny.

Although kingship declined and disappeared in Greek states in the eighth century and was succeeded by aristocracy, there was, however, a revival of kingship in an irregular and unconstitutional form, in a great many states, in the sixth century. This unconstitutional kingship, based generally on armed force and inspired by motives, enlightened or egoistic, is known under the name of tyranny. The sixth century is, so to speak, the golden age of tyranny when a crop of tyrants flourished in Greek states. There was also a second period of tyranny in Greece from the close of the fourth century, when every political experiment had been tried in Greek states and seemed to fail.

The origin of Greek tyranny in the sixth century may be found in the conditions of the age. The rule of the nobles degenerated in Greek states and became selfish and oppressive. The commons had no part or lot in government. Law was unwritten and administered by the nobles so as to sub-serve their own interests. The latter also encroached on common rights to the detriment of others. The barbarous law of debt bore hard on the poor and reduced them to destitution and servitude. Unrest and discontent naturally followed in Greek states. Meanwhile a new and wealthy class was growing up, especially in commercial towns, outside the closed circle of the old families and there was also a general awakening of mind resulting from trade and communication. A period of agitation and fermentation followed everywhere. Movements were started against oligarchies. In consequence, law-givers were appointed in some states

to codify and publish the laws and in a few others, aesymnetes (constitutional reformers) were set up to introduce reforms. The more general result was, however, revolution. The discontented commons began to look about for a leader to guide the movement against the oligarchs. A leader would come forward—a renegade noble, an adventurer or an ambitious young man—and with his help the rule of the nobles would be subverted. The people in general were however not fit to take the government into their hands and so they were content to leave it in the hands of their leader. In certain cases, the latter seized supreme power and held it by means of an armed force. Thus tyranny emerged in Greek states.

Tyranny and tyrants have been viewed with extreme disfavour by Greek writers—and it may be added—even maligned and misrepresented by them and painted in too sombre colours. No words are too strong, no language is too vile or vituperative, when they dwell on tyranny and tyrants. Plato speaks of tyranny as the "wretchedest form of government."<sup>9</sup> The tyrant is a real slave, practises the greatest adulation and servility and is a flatterer of the vilest of mankind. "All his life long he is beset with fear and is full of convulsions and distractions." He grows worse from having power and becomes "more jealous, more faithless, more unjust, more friendless, more impious than he was at first." The tyrant comes into being "when under the influence of nature or habit or both, he becomes drunken, lustful, passionate." In the course of his progress, there will be feasts and carousals and revellings and courtesans and all that sort of thing." He will commit the foulest murder or eat forbidden food or be guilty of any other horrid act. "Love is his tyrant and lives lordly in him and lawlessly." His associates are "the thieves, burglars, cat-purses, foot-pads, robbers of temples, man-stealers of the community; or, if they are able to speak, they turn informers and bear false witness and take bribes." Such and similar are the fine compliments that Plato lavishes on this class of rulers.

Aristotle, if he does not descend to such scurrility and slander, has still many hard things to say about tyranny.

9. Plato—*The Republic* (Jowett's Translation)—PP. 274—290.

According to him, the tyrant has three objects and three objects only<sup>9A</sup>—to make his subjects mean-spirited so that they might not conspire against anybody, to make them thoroughly distrust one another and lastly to produce in his subjects a general incapacity for affairs, in which case nobody would attempt to destroy a tyranny. Tyranny is characterised as a perversion of monarchy—as monarchy resting on armed force and coercion and used for the sole advantage of the monarch.

On a just and impartial examination of the rule of tyrants, it would, however, appear that statements like the above are considerably exaggerated, if not untrue, being probably the result of an ingrained prejudice. The policy and achievements of well-known tyrants, like Periander of Corinth, Pisistratus of Athens, Thrasybulus of Lesbos, Gelon of Syracuse, give the lie direct to such charges and reveal them as patriots, benefactors of the people and promoters of nationalism and progress. By their levelling and progressive policy, they only prepared the way for democracy. If any class of people suffered under them, it was the nobles. They were depressed and repressed in several ways, whereas the interests of the commons were protected and advanced with zeal and alacrity. The latter were provided with plots and with work and wages. Games and festivals were instituted in their interests. Agriculture, trade and industries were stimulated and encouraged. Colonisation was promoted. Literature and learning were patronised. Scholars and poets were invited by them to their courts and treated with bounty. Their cities were adorned with magnificent public works—palaces, temples, aqueducts—and invested with grandeur. Lastly, the tyrants stepped beyond the narrow bounds of the city-states, formed alliances with foreign rulers, followed a brilliant foreign policy and brought greatness and glory to their states. In a word, they were a class of enlightened despots who, in more ways than one, rendered yeomen service to their states.

Tyranny, however, did not last long. With all its bright features, it was still repugnant to the Greek sense of freedom and had finally to go under. It was only a stage—perhaps, a

9 A. Aristotle—*Politics*—PP. 935- 396 (Welldon's Tr.)

necessary stage—in the political evolution of the city-states. When the time came, it disappeared and made way for democracy.

### III

#### Pericles—on Athenian Democracy.

After the downfall of tyranny, democracy made progress in many Greek states. By and bye, Athens became the model and exemplar of democracy. The age of Pericles is the resplendant age of Athenian democracy when Athens attained the pinnacle of her greatness and glory, made wars and conquests and founded an empire, made wonderful progress in culture and civilisation and became the "School of Hellas," when she had a galaxy of illustrious names to boast of—names which shed lustre on her and have made her immortal through the ages. It is but natural to connect the progress and achievements of this 'City of the Violet Crown' with her democracy and warmly extol the merits of this form of government. This is, at any rate, what Pericles does in his famous Funeral Oration<sup>10</sup> which is, in fact, a lofty panegyric on Athenian democracy and on Athenian life, character virtues and achievements. "There is no exclusiveness in our private life," exclaims the orator, "and in our private intercourse. We are not suspicious of one another nor angry with our neighbour if he does what he likes. We have not forgotten to provide for our weary spirits many relaxations from toil; we have regular games and sacrifices throughout the year; at home the style of our life is refined and the delight which we daily feel in all these things helps to banish melancholy.....Our military training is, in many respects, superior to that of our adversaries.....Our city is equally admirable in peace and war. For we are lovers of the beautiful, yet simple in our tastes and we cultivate the mind without loss of manliness. Wealth we employ not for talk or ostentation but when there is real use for it. To avow poverty with us in no disgrace, the true disgrace is in doing nothing to avoid it. We alone regard a man who takes no

10. A summary of the oration is given by Thucydides in his *History of the Peloponnesian War*. The extracts given here are taken from R. H. Murray's *The History of Political Science*. PP. 3—5.

interest in public affairs, not as a harmless but as a useless character; and if few of us are originators, we are all sound judges of a policy. .... The individual Athenian in his own person seems to have the power of adapting himself to the most varied forms of action, with the utmost versatility and grace. .... We have compelled every land and sea to open a path for our valour and have everywhere planted eternal memorials of our friendship and our enmity." Thus has the immortal Athenian statesman enshrined in an oration of undying fame the glories of Athenian democracy and character.

#### IV

#### Greek Political Theory of Kingship.

It must, in this connection, be interesting—and not unprofitable—to consider whether these views of the Athenian statesman are equally shared by prominent Greek thinkers and philosophers—especially, Plato and Aristotle. In other words, let us try to trace briefly Greek political ideas on the comparative merits of different kinds of polity.

In a famous passage in his History,<sup>11</sup> Herodotus makes a number of Persian grandees discuss the merits and defects of different forms of government. Democracy, at its best, implies equality before the law, an elective and responsible executive and the right of the people to exercise deliberative power. But the people do not know; they can be more tyrannical than the worst tyrant in their ignorant caprice; and their incapacity permits a public corruption which ultimately provokes a revolt of the masses. Aristocracy means the superiority of good birth and breeding but the members of an aristocracy are touchy on the point of honour and quarrels arise which culminate in a civil war and tyranny. Monarchy, at its best, means due regard to the welfare of the whole state and capable conduct of foreign policy but the monarch is liable to intoxication of power and becoming insolent and jealous develops into a tyrant. We cannot but admit that the above is a shrewd diagnosis, especially in relation to Greek states, of the comparative merits of monarchy,

11. III-80-2—Summary given in Barker's—*Greek Political Theory*—P. 298.

aristocracy and democracy. The Athenian orators, however, praise democracy and condemn the rest.

The Pythagoreans of the fifth century taught the theory of theocratic monarchy ruling over its subjects as God rules over the world. It is possible that their teaching helped Plato to evolve his theory of the philosopher-king. The sophists held that men were by nature selfish and unequal and that political authority was based upon might. Some of them advocated and even extolled tyranny as the form of government consonant with the natural principle of the rule of the strong. Socrates taught that those alone that know and are competent should bear rule.<sup>12</sup> Government was an art and required a high degree of training for those entrusted with it—not a mere mechanical training but something of a philosophical training issuing in a clear grasp of the fundamental principles of politics and the development of goodness and virtue. He had nothing but criticism and ridicule for Athenian democracy where "the tinker and tailor, cobbler and fuller had an equal voice in public affairs with those who really understood something of the art of politics." He criticised the lot, the sovereign assembly and the conduct of Athenian statesmen in pandering to the mob. His ideal of polity was a type of enlightened monarchy or aristocracy. Zenophon too is an advocate of monarchy.<sup>13</sup> According to him, the state must be like an army and be organised on a proper system of grades and a thorough division of labour. Over all things, the wise man must rule. Zenophon is thus a monarchist but unlike Plato, a military monarchist. In a dialogue called the *Hiero*, he comes to the conclusion that the absolute ruler holds an enviable position and is a public benefactor. During his age, there is a distinct trend towards monarchism which may be noted in other writers as well—in Plato, Aristotle, and Isocrates. The last, in addressing a ruler of Cyprus, praises tyranny "as the noblest of all things."<sup>14</sup> He also appeals to Philip II to bring about amity among Greek states, to put himself at the head of a united Greece and make war with

12. For the teachings of Socrates, vide Barker, *Greek Political Theory*—PP. 87—93

13. Barker, *Op Cit*—PP. 99—100

14. *Ibid*—P. 104.

Persia and spread Greek culture in the East. Thus we see that, for one reason or another, democracy, with its elaborate apparatus, is falling into disfavour and discredit with Greek writers and that, in the interests of unity, vigour, efficiency and prestige, monarchy, even of an absolute type, is advocated as the best kind of polity.

Plato is an idealist, even an utopian, in many of his political ideas and speculations. He has nothing but condemnation for timocracy, oligarchy and democracy which, in his eyes, are all corruptions from his ideal polity.<sup>15</sup> He gives us vivid pen-pictures of the oligarchical and the democratical man which, instead of being merely fanciful, are largely based on realities. Here, at least, Plato shows himself to be a realist to some extent, imbued with a historical spirit and conversant with the actual conditions of the Greek states in the past and the present.

In an oligarchy a ruler is elected because he is rich ; who would elect a pilot on this principle ? "Such a State is not one but two states—the one of poor, the other, of rich men ; and they are living on the same spot and always conspiring against one another." Another discreditable feature is that "for a like reason they are incapable of carrying on any war." "Their fondness for money makes them unwilling to pay taxes." "Under such a constitution, the same persons have too many callings—they are husbandmen, tradesmen, warriors, all in one. Does that look well ? "Oligarchies have both the extremes of good wealth and utter poverty." Where there are paupers, there are hidden away "thieves and cut-purses and robbers of temples and all sorts of malefactors." The oligarchical man is "a shabby fellow who saves something out of everything and makes a purse for himself." He keeps up a fair outside but is dissembling and deceitful. Plato is not less sparing of democracy than of oligarchy. Many are the shafts that he flings at democracy ; many are its sores that he exposes. According to him, democracy means anarchy, indiscipline, disregard of law, disrespect for age and authority, unstability, demagogism. "She would have subjects who are like rulers and rulers who

15. Plato—*The Republic*—PP. 255—273. (Jowett's Translation). For a summary, Barker, *Greek Political Theory*—PP. 252—258.

are like subjects." Anarchy finds a way into private houses and infects even animals. The father begins to fear his sons and the son, having no respect for his father, is on a level with him. The master fears and flatters the scholars and the latter despise their masters. The young and the old are alike. The slave is just as free as his purchaser and both sexes enjoy equality. The she-dogs are as good as their mistresses and horses and asses move along with conceit and run at anybody who comes in their way. The citizens become sensitive, they chafe against authority and cease to care for lands. Plato describes the democratic man "as a chameleon who makes into a principle the absence of principle and turns inconsistency into a consistent habit. Motley, manifold, and an epitome of the lives of many, he is a mirror of the bazaar of constitutions in which he lives. His mind is an unstable equilibrium of all desires, now tilted one way and now, another; athlete, politician, philosopher, soldier—he is "everything by turns and nothing long." He will even invert the use of moral terms; he will call insolence breeding, anarchy liberty and waste magnificiance."<sup>16</sup>

What then is the ideal scheme of government according to Plato? In a striking passage, he observes<sup>17</sup>:—"Until philosophers are kings or the kings and princes of this world have the spirit and power of philosophy, cities will never have rest from their evils." His ideal therefore is the rule of the philosopher-king. "Only in this way can an end be made of the incompetence and factions of the ignorant and self-seeking politicians; only in this way can a state gain—what of all things, it may well pray most to have—rulers who rule in wisdom because their eyes have seen the truth and again, in unselfishness, because they think of their office not as a perquisite but as a duty and a burden to be borne for the good of their fellows."<sup>18</sup> Plato recommends a special and elaborate course of education and training for the philosophic rulers and enjoins for them a life of austere asceticism, of plain living and high thinking, scorning delights and living laborious days. They are to have no private property or family life but are to lead a

16. Barker—*Greek Political Theory*—P. 256.

17. *The Republic*—P. 170.

18. Barker—*Op Cit*—P. 205.

communal life, free from all worries and distractions, dedicating themselves, with single-minded devotion, to their arduous task. The rulers are to be absolute in the sense that they are untrammelled by any written law. This kind of rule may appear very much akin to tyranny. Plato however is careful to point out that it is no unqualified absolutism and that the philosopher-king has strictly to adhere to certain fundamental principles. He must watch against the entry either of poverty or of wealth into the state. Secondly, he must limit the state to the size consistent with its unity. Thirdly, he must maintain the rule of justice. Finally, he must ensure that no innovations are made in the system of education. Plato's ideal is no doubt excellent in theory. Unfortunately, however, the ideal is not capable of realisation and has seldom been realised in practice. Plato himself came to realise this truth in later years so that is his subsequent works—the *Politicus* and the *Laws*—he recommends an elaborate mixed constitution, as more suitable to human nature and conditions, in the place of the ideal polity of the *Republic*.<sup>19</sup>

Unlike Plato, who is an idealist, pursuing the *a priori* and deductive method, Aristotle is historical and practical to the core and bases his views and conclusions on a careful and systematic study of Greek constitutions and the varying conditions of Greek states. He realises that monarchy is the best form of government, as embodying supreme virtue and excellence and tending to harmonise the different interests in the state. Here he is at one with Plato. Unlike Plato, however, he recognises that kingship is not for all times and circumstances and that political institutions must be adapted to the character and needs of the people concerned and the special conditions of every age. Seeing that men of eminent virtue and excellence were rare among primitive peoples monarchy was the proper form of government for them. "In process of time, however, there came to be a number of persons equally virtuous and then they no longer submitted to kingly rule but sought to establish a sort of commune or constitutional government. And afterwards as men degenerated and treated politics as a

19. Vide Barker—*Op. Cit.*—Chapters 12 & 13.

source of pecuniary gain, the creation of oligarchies was a natural result. From oligarchies they passed, in the first instance, to tyrannies and from tyrannies again to democracy. For the oligarchs, as in their miserable avarice, they perpetually narrowed the range of the privileged class, so augmented the strength of the populace that they rose in revolt and founded democracies. And now that states have grown to still larger dimensions, it is perhaps no longer easy to establish any other form of polity than democracy."<sup>20</sup> Thus Aristotle makes clear that as conditions changed from time to time, the form of government had also to be changed and that democracy was the only type of government suitable to his age. Absolute monarchy is condemned by him not only as undesirable but also as impossible. Where persons are all alike there must be the same justice and the same desert for all.<sup>21</sup> Secondly, the supremacy of law above every individual must be recognised. "Law is intelligence without passion and is therefore preferable to any individual."<sup>22</sup> Thirdly, it is not possible for a single individual, however great, to attend to a large number of subjects so that government must be a co-operative enterprise, on a democratic basis.

The democracy that Aristotle has in view, and specially commends, as the best practical polity for his age, is a type of moderate democracy which he calls *polity*. For extreme democracy, he has nothing but "condemnation in common with Plato and other writers. Demagogism, the tyranny of the mob, anarchy, faction, are some of its patent evils. Polity is the rule of the many directed to the common good. It is the rule of the middle class, avoiding the evils of the rule of the good without bestowing absolute power on the bad. "All the parts of the polity are mingled in proper proportion."<sup>23</sup> Thus observes Aristotle<sup>24</sup>:—"It is clear that the best political association is the one which is controlled by the middle class and that the only states capable of a good administration are those in which

20 Aristotle—*Politics*. (Welldon's Translation) P. 151.

21. *Ibid*—P. 153.

22 *Ibid*—P. 154.

23 R. H. Murray—*The History of Political Science*—P. 23.

24. *The Polities*—PP 288—84

the middle class is numerically large and stronger, if not than both the other classes, yet at least than either of them, as, in that case, the addition of its weight turns the scale and prevents the predominance of one extreme or the other.....For, it is where the middle class is large, that there is the least danger of disturbances and dissensions among the citizens." Thus while Aristotle considers monarchy as ideally the best government and as suitable to particular peoples and special circumstances he would rule it out so far as his age was concerned, which had clearly outgrown that form of government.

## V

### Early Roman Kingship.

The city-state of Rome was also formed, like the Greek city-states, by the union of village-communities. It is supposed that, originally, the Seven Hills were occupied by a number of village-communities, each village comprising a number of gentes or clans. At first, these villages were isolated units, each having a separate constitution. They were afterwards loosely brought together by a sort of federal union—the League of the Seven Hills. Then came the Etruscan conquest of these villages and it is supposed that the formation of the Roman city-state is the direct result of this conquest. Thus observes a recent authority<sup>25</sup>:—"The first of the Etruscan kings, Tarquin the Elder, the conqueror who effected the unification of the League of the Seven Hills by force of arms and by the drainage of the low-lying ground gave the new town the physical unity without which it could not exist, was also the man who, by a correlative and parallel innovation—gave the Roman state the administrative framework—Tribes and Curiae—and political organs—King, Curiate Assembly and Senate — which were henceforth indispensable to it." The tribes were simply the quarters of early Rome, similar to the municipal districts of modern cities. The curiae were sub-divisions of the tribes and were small units, both territorially and numerically, each comprising about nine acres, three or four gentes and an average of a hundred souls to each.<sup>26</sup>

25. Leon Homo—*Roman Political Institutions* (Tr. by M. R. Dobie)—P. 9

26. Ibid.—P. 11

The earliest government of the Roman state was monarchy. The Roman kingship is compounded of three elements. "From one point of view, the king is the hereditary and patriarchal chief of the people, as the father is of the household; from another, the chief priest of the nation, as the father is of the family; but most distinctively, differing herein from the father of the family, he is the elected representative and magistrate of a free state."<sup>27</sup> He was nominated by his predecessor, chosen by the Senate and elected by the people who bestowed on him the *imperium* (sovereign power). Sidgwick points out a few striking differences between Greek and Roman kingship.<sup>28</sup> "The Roman king has no claim to divine descent, he is nominated either by his predecessor or by an inter-rex appointed by the Senete but his administrative power seems to go beyond that of the heroic king of Greece."

The powers of the Roman king, like those of the Homeric chief, were three-fold. He is the guardian of the city-hearth and high-priest of its religion, the leader of his people in war and the supreme judge and ruler in peace. As high-priest, he represented the community in their dealings with the Gods, appointed and controlled members of the religious colleges and punished offences against the Gods. As supreme general, he made war and peace and disposed of booty and conquered territory. As supreme judge, he had the power of life and death and decided in person criminal cases affecting the welfare of the state. As head of the administration, all officials derived their authority from him and he controlled the state treasury and could alone convene the Senate or the assembly. "Yet, the authority of the king is limited, not absolute, for he is the minister, not the maker of the law. His plenary power is given to him by the assembled burghesses.....When the kings transgressed the ancient customs of the land, they forfeited their claim on the allegiance of the people."<sup>29</sup>

By the side of the king— as in the Homeric age— there was a council of chiefs (Senate) and an assembly of the

27. How and Leigh— *History of Rome*— P. 42.

28. Sidgwick— *Development of European Polity*— P. 41.

29. How and Leigh— *Op. Cit.*— P. 44.

people (Comitia Curiata). The Senate comprised all the heads of gentes. It could meet only when summoned by the king and it was open to the latter to follow or reject its advice. The king was, however, expected to consult it and pay heed to its advice, on all important matters. It was in this way that the council formed the most effective check on the power of the king. As for the Comitia Curiata, it comprised all the freemen of the state—patricians and plebeians—though at first the latter were only passive members and acquired the vote only later on. The people assembled by curies and each curia had one vote. The assembly, however, could meet only when summoned by the king; it could not debate or discuss but only could accept or reject measures proposed to it by the king. In the later regal period, there was another assembly of the people—Comitia Centuriata—instituted by the Second Etruscan king, Servius Tullius—where the people assembled and voted by centuries.

## VI

### The Roman republic and its decline—Need for military monarchy.

Thanks to his pride, arrogance, cruelty and tyranny, the last of the Tarquins was expelled in 508 B. C., and kingship was brought to an end at Rome. A republic was established. The place of the king was taken by two yearly magistrates—the consuls—to whom, all the powers, civil and military, of the king were transferred. The Senate and the two popular assemblies—Comitia Curiatia and Comitia Centuriata—were retained.

During the two centuries and more that followed—the period of the struggle of the Orders and of the steady advance of the Plebeians—the administrative machinery of the republic received much elaboration. Owing to the growing necessities of administration and for other reasons, many new offices were created so that in the third century there was a multiplicity of magistrates at Rome—Consuls, Praetors, Censors, Aediles, Quaestors, Tribunes—elected by one assembly or another and discharging different functions. What with their collegiate character and what with their annual tenure—serious handicaps

in their way—the magistrates could not advance in power and prestige and held but a feeble and subservient position allowing themselves to be controlled by the supreme governing body—the Seneta. Even the Tribunes—the champions of popular rights—were gradually domesticated by this august body and transformed into its faithful henchmen. As for the popular assemblies, the Comitia Curiata steadily declined, but the centuriate assembly, the stronghold of aristocratic influence, steadily increased in power and importance. During the period of the struggle of the Orders, two more assemblies were instituted—the Comitia Tributa and the Concilium Plebis—the former comprising the whole people and serving as an important organ of legislation and the latter composed of the Plebeians alone and enacting laws, known as plebiscita. The assemblies elected the magistrates, enacted laws, exercised judicial functions, and decided upon all important questions. It would thus appear that sovereignty was vested in the people and that the Roman constitution was democratic in character. At any rate, it was so in theory.

In practice, however, the Roman constitution was a contradiction to theory. The most striking feature of the republican period is the growing ascendancy of the Senate and the concentration of all powers in its hands. "The logic of facts and Roman respect for government, its own merits and the feebleness of its competitors had created out of this consulting committee and council of the magistrates, a supreme and independant organ of state.....It alone was permanent; it alone had deliberative power. It controlled the magistrate on whose summons it depended, by sentiment, by interest and in the last resort, by the interference of his colleagues or the veto of the tribune."<sup>20</sup> Every department of administration passed under its control—finance, religion, foreign affairs, provincial government. It also controlled legislation, had the guardianship of the constitution and exercised many emergent powers. As for the popular assemblies, they steadily deteriorated, from the third century and became more or less 'atrophied members' of the body

20. Ibid—P. 298.

politic. Unattended by the more, solid burghesses scattered throughout Italy, they came to represent the starving bellies and clamorous throats of Rome. They reigned but did not govern."<sup>31</sup> Further, their days of meeting were abridged by religion or amusement, they had no deliberative or executive powers, and were subject to every kind of obstruction. Thus in practical government they were absolutely impotent and ineffective. Sallust speaks the truth when he says:<sup>23</sup> "At home and abroad everything was done at the bidding of a few men. Theirs were treasury, provinces, magistrates, glory, triumphs; the people bore military service and poverty." Rome was indeed an aristocracy—rather, an aristocracy masquerading as republic.

The rule of the aristocracy was in the beginning enlightened and efficient. "Superior to the House of Lords, for it was not, in theory, hereditary or exclusive; superior to the Athenian Boule in its independence and authority, it represented at first no one class, generation or principles. As it consisted mainly of ex-magistrates it was based indirectly on popular choice. It was in fact the fine flower of that great aristocracy which resulted from the fusion of the Orders and concentrated in itself the experience, the traditions and the statesmanship of Rome."<sup>33</sup> The Senate is really the author of Roman greatness. It waged wars, concluded treaties, formed alliances, built up the fabric of an empire. It conducted the government with tenacity and patriotism, with vigour and success.

By and bye, however, the Roman aristocracy degenerated into an oligarchy—narrow and exclusive. Offices, honours and privileges became the monopoly of a small class and senatorial government was directed mainly to the interests of this class. Meanwhile, with the development of the city-state of Rome into an Italian state and later, into a Mediterranean empire, the task of government had become extremely difficult and complicated and

31. How and Leigh—*Op. Cit.*—P. 299

32. *The Jugurthine War*—XLI, 7—8. Quoted in Leon Homo—*Roman Political Institutions*—P. 145.

33. How and Leigh—*Op. Cit.*—P. 299.

many serious problems--political, social and economic--confronted the state and demanded solution. The tackling of such problems called for the highest and the best statesmanship and the Senate was found totally unequal to the task. It became discredited and unpopular and the people became restive and began to question its authority. Senatorial misgovernment and incompetence were in evidence on all sides. The empire drifted helplessly and affairs went from bad to worse. Now that the aristocratic republic had failed and, for more reasons than one, a democracy was also impossible at Rome, under the then conditions, there was only one alternative left—personal government. The situation is thus summed up by a modern writer<sup>34</sup>—“The governmental machine seemed worn out beyond repair. The constitutional development of the republic ended in complete shipwreck..... Restored by Sulla and provided with powerful weapons, the senatorial oligarchy, lacking men and political sense, collapsed less than ten years after the Dictator had gone. The democratic opposition, having no exact object or definite programme, drained by the disappearance of the country middle class, reduced to an unorganised poverty—stricken, urban proletariat and bound, since the time of the Gracchi, to the service of the big capitalists whose humble servant and passive tool it had become, could create nothing but disorder and surrendered to the military power which made use of it without reserve or scruple, in its advance to personal government.”

From the time of the Gracchi, it became more and more apparent that an absolute monarchy was a necessity if the Roman empire were to avoid shipwreck. Affairs also steadily and unmistakeably drifted in that direction. Monarchical ideas steadily gained ground. The work and achievements of the Gracchi, Marius, Sulla, Pompeius had shown that reforms could be carried out or great things done, only under a benevolent autocracy. The careers of these leaders only prepared the way for the coming Revolution. As How and Leigh observe:<sup>35</sup> “The period of the Revolution is the preparation of Caesarianism. All lines converge on a single

34. Leon Homo—*Roman Political Institutions*—P. 156.

35. *History of Rome*—P. 323.

point—the necessity of a new departure. All forces work inevitably in a single direction—the centralisation of administrative power. There is the pressure of the barbarian from without, the pressure of the provincial from within, the defects of the constitution, the demands of extended dominion.” The crying need of the hour was a strong, central authority at Rome standing above parties and factions and directing the affairs of state firmly, justly and impartially. This need was at last supplied by the scrapping of the republican system and the concentration of all authority in the hands of a single person. The position held by Caesar was in reality nothing less than that of a military monarch. Thus, unlike the Greek states, which almost invariably proceeded from aristocracy to democracy, we find Rome proceeding from aristocracy, through a period of revolution and futile attempts at democracy, back to monarchy again.

Even Cicero, the staunch republican, with his creed of *concordam ordinarium*, could not fail to see the decay of the republic and the drift to autocracy—nay, even the supreme necessity for it. In his letter to his brother Quintus he says,<sup>36</sup> “You see that there is no republic, no Senate, no dignity in any of us.” In a letter to Atticus thus he observes,<sup>37</sup> “I spend my whole time meditating on the character of the man of whom I drew a portrait in the *Republic*. If I remember right, this is what I make Scipio say in the fifth book;—“As the object of the navigator is a safe passage and that of the physician is health and that of the general is victory, so our director of the republic aims at the happy life of the citizens, that it may be secure in its resources, rich in wealth, distinguished in fame and honest in virtue.” Again in his famous speech—*Pro Marcellus*<sup>38</sup>—he gives a vivid picture of his conception of the Principate and makes an eloquent appeal to C. Julius Caesar, “to raise up everything which you see lying, shaken and thrown down by the impact of war” and to take the utmost care of his life, because with it was bound up the peace, progress and prosperity of the

36. Quoted in Leon Homo—*Op Cit*— P. 156.

37. *Ibid* P. 169.

38. For the relevant portions of the speech, *Ibid* PP. 169—170.

empire—an appeal which reminds us of the resounding Miltonic appeal to Cromwell at a later time.

## VII

### Dictatorship of Caesar and Principate of Augustus.

C. Julius Ceasar is the real founder of military monarchy at Rome. He realised that "republican government no longer suited the Roman state and that Rome needed a leader and master." With his clear, logical mind and without hesitation or misgivings, he advanced straight to his goal—absolute hereditary monarchy of the Hellenistic type. The cardinal principle of his policy was the centralisation of all executive power in the hands of one man. He held the office of *Pontifex Maximus* for life; held the consulship frequently; was made Dictator for life—"a revival of the Roman monarchy both in reality and name"; received the title of *Imperator* and the *tribunicia potestas* for life and finally, the *praefectura morum* for three years. He also received, by special laws, the power of making war and peace, of appointing governors to provinces, of nominating half the Praetors and Quaestors as well as supreme judicial powers. "This accumulation of powers made him absolute master of Rome; with complete control of army and finances, supreme management of foreign and provincial arrangements, of the legislative and electoral comitia and with a subservient Senate, nothing was wanting to the new monarchy but a name." Ceasar showed scant regard for republican forms and usages and cared little to conciliate republican sentiment. Republican institutions, if not abolished, were subordinated to his authority. The Senate was degraded by the admission of freedmen and semi-barbarous Gauls and made a purely advisory body. • What is worse, the old constitution was often disregarded or suspended. Only two things were wanting for this military dictatorship to attain its complete form—the hereditary system and the title of king. "That Ceasar wanted both, there can be no doubt."<sup>39</sup>

The republican sentiment was, however, still strong at Rome; consequently, Ceasar's indiscretion in flouting it, cost him his life and ushered in a period of anarchy and civil war. His

39. For detailed explanation, vide Leon Homo *Op. Cit.* PP. 195—197.

great-nephew—Octavius—clear-righted and cautious that he was fully realised the cause of Caesar's failure and resolved to avoid his mistake. Like Caesar he found that a military autocracy was essential for Rome but unlike Caesar he also realised that it was important to conciliate republican sentiment and save appearances by "draping a constitutional cloak over the crude nakedness of things." The constitution established by him is known as the *Principate* which is a kind of masked monarchy.

In the first place, several powers or offices—all republican—were united in his person and this union made him the virtual master of the empire. The proconsular imperium was conferred on him by the Senate for successive terms of 5 or 10 years and this gave him the command of the armies and fleets of the state as well as of the more important provinces. The imperium was also declared to be *maius* and extended to Rome and Italy. Secondly, the *tribunicia potestas* was conferred upon him annually by the Senate and people and this is the second basis of the principate. The tribunician power invested him with a popular character, made his person sacrosanct and gave him control over the home government and an unlimited power of veto. The third basis of the imperial position was the office of *Pontifex Maximus* which made the Emperor the supreme authority in religious affairs. Fourthly, a number of special powers and privileges was conferred on Octavius by special enactments. Such were the right to make war and peace, to bring motions before the Senate, to present candidates for magistracies, to issue valid edicts, to confer citizenship, to found colonies and strike coins. The master of the empire had also his distinctive titles—*Princeps* or first citizen, *Imperator* or Emperor, *Augustus*, a surname of a religious nature which invested the Emperor with sanctified majesty. "Nor was the imperial pre-eminence without its outward and visible signs." The Princeps wore the scarlet robe and laurel crown on public occasions: he had a special body-guard besides his twelve lictors: his statues were set up in Rome and his head was inscribed on the coinage: quinquennial games were instituted in his honour: his birthday was celebrated with sacrifices and after his death he was enrolled among the gods.

A second feature of the principate is that, while really making himself supreme master of the empire, Augustus took all possible care to respect republican sentiment and reconcile his autocracy with republican forms. This was a master-stroke of policy which, more than anything else, contributed to his success and popularity. Thus he avoided the serious mistake, which Caesar, in the elation of his triumph and the intoxication of his glory, had unwittingly committed without suspecting danger. The principate was outwardly a continuation of the republic. Nay, Augustus even claimed to be the restorer of the old republic. The old constitutional machinery was set a-going. Senate, assemblies and magistrates resumed their old functions. Augustus was not king, dictator or triumvir. He was only Princeps or first citizen. He could truly state that he accepted no office—which was 'contrary to the usage of our forefathers'. The tribunician power was to be renewed annually and the proconsular imperium he received only for five or ten years at a time. It was thus that Augustus set up an autocracy without, at the same time, violently breaking with the past. The disguise was, however, too transparent to deceive shrewd observers. "So it was" Dion Cassius writes<sup>40</sup> of the sitting of the 13th January, 27, "that all the power of the people and Senate passed over to Augustus, and from that day pure monarchy was established."

The principate is sometimes spoken of as a dyarchy and so it was, to some extent. It was a dual government of the Princeps and the Senate. "Augustus was thoroughly in earnest in giving to the Senate a distinct political position and substantial powers."<sup>41</sup> He seldom interfered with the government of the Senatorial provinces. It was allowed to retain many of its administrative powers and became the chief organ of legislation under Augustus. "From it and in its name issued the laws which the Emperors wished to enact; just as the laws proposed by the republican magistrates were made by the people."<sup>42</sup> It was also made a permanent court of justice for the trial of

40. Liii—17,

41. Bury—*History of the Roman Empire*—P. 32.

42. *Ibid*—P. 35.

criminal cases. Further, it was reduced in strength and its personnel improved.

### VIII

#### Change of the principate into absolute monarchy.

The partnership of Princeps and Senate was, however, from the outset, an unequal partnership, in which the former greatly predominated and had several ways of exercising control over the latter. It was impossible for the Senate to hold its own with the Emperor. During the centuries that followed, it steadily decayed and declined and the dyarchy was, slowly but surely, transformed into an absolute monarchy, with an all-powerful Emperor at the apex of a well-constructed bureaucratic edifice. The republican mask devised by Augustus was, in the course of a century or two, thrown off and the autocracy of the Emperor stood revealed in its nakedness.

The transformation of the dyarchy into an absolute monarchy proceeded along three lines : (a) the limitation of the Senate, (b) administrative centralisation, (c) the exaltation of the imperial position and the deification of the Emperor.

(a) *The limitation of the Senate* :— Of the early Emperors, some were friendly to the Senate while others, hostile. A series of blows was dealt at this body and at the Senatorial class by the latter class of Emperors so that, by the close of the third century the Senate had become something of a nullity—a shadow without substance. The persons and property of its members were attacked by such Emperors as Tiberius, Nero, Domitian, Septimius Severus. The Senate retaliated with conspiracies. During the reign of Claudius, a series of reforms was carried out with a view to administrative centralisation and the knights were treated with special favour and made a great advance at the expense of the Senatorial order, especially in the domain of provincial administration. The Imperial Council was re-organised and Hadrian increased its importance by introducing into it the foremost jurisconsults of the day. The creation of a class of permanent officials—the consulars—for Italy, was another blow dealt at the Senate. Septimius Severus, an open enemy of the

Senate, was relentless in his attacks on this body and deprived it of its judicial and military powers. With Gallienus, the anti-Senatorial policy of the Emperors reached its climax. He struck at the administrative rights of the Senate in the provinces and at its military privileges. Senators were forbidden to perform military duties or to appear in the army at all. "From top to bottom of the military and administrative scale, the knights took possession of the posts relinquished by the Senatorial class, as Tribunes of legions, Legates of legions, Legates governing imperial provinces and Proconsuls governing Senatorial provinces."<sup>43</sup> The financial privileges of the Senate were also taken away, about this time. Thus the Senate, from being a partner, major or minor, with the Emperor in administrative affairs, became, more or less, a cipher in the body-politic. Its own incompetence and inefficiency, revealed beyond doubt or question, contributed not a little to its decline. It was self-abasement that largely paved the way for its decay. Dyarchy ceased to exist as a result and monarchy took its place.

(b) *Administrative centralisation*.—A salient feature of the early empire was the systematic centralisation of government, for which the stimulus and inspiration came largely from the Sassanian empire with its rigid, elaborately graded, system of centralisation. It has already been seen that Claudius took important steps in this direction. "First of all, organs of transmission were created—the Secretariat, indispensable to a central power, offices of Correspondence, Petitions, Inquiries and Preliminary Examinations, the directing staff and organisation of which were supplied by the freedmen of the Emperor's household."<sup>44</sup> As head of the state, the Emperor kept round him a staff for his protection and the maintenance of his dignity. The machinery of central administration was more and more elaborated and organised by successive emperors. As the central motor of the administration, the Emperor had his staff of officials and departments—his civil household. This was divided into three sections—the *Secretariat*, the *Ceremonial* and the *Secret*

43. Leon Homo—*Op. Cit.*—P. 263.

44. *Ibid.* P. 259.

*Service.* Further, the Imperial Council was reorganised by Diocletian and Constantine and invested with important powers, administrative and judicial. All these organs were instruments of the Emperor and existed to implement and carry out the imperial policy.

(c) *The exaltation and deification of the Emperor:*—The exaltation of the imperial office and dignity knew no bounds. As absolute master and God on earth, the Emperor maintained an enormous domestic and private staff, divided into several departments. Like an eastern potentate, he was gorgeously arrayed in diadem and garments of silk, adorned with gold and pearls. He lived surrounded by a large and varied household staff, among whom eunuchs, after the Eastern usage, soon came to hold a place of honour. Etiquette and ceremonial were laid down in detail. Hidden in the depths of his palace, like an idol in its shrine, the sovereign did not deign to appear before ordinary men, except on rare and carefully organised occasions. He could only be approached with complicated rites of prostration and worship.<sup>45</sup> There was yet more. The emperor also came to be invested with a divine character and was regarded as a scion and a father of Gods. His acts were described as divine: everything connected with him was sacred. To disobey him was to infringe religious law and commit sacrilege. In this process of deification, the influence of the East—especially, of Egypt—is clearly visible.

Thus, by successive stages, the principate of Augustus was transformed into a stately despotism invested with the halo of sanctity and divinity. Even more than Louis XIV. the Roman Emperor could exclaim that he was the State.

45. *Ibid.* P. 278.

## CHAPTER IV.

### MEDIEVAL KINGSHIP—IN THEORY AND PRACTICE.

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#### I

##### Introduction.

ONE of the striking features of medieval Europe is its theocracy. It is an age of faith, and religious aspirations, of pilgrimages and crusades. The ideal that is preached and practised is that of ascetism and self-repression. Everywhere we come across orders of monks and friars who, by their devotional activities or disinterested services, contributed not a little to sustain and diffuse a religious spirit in Europe. Churches and monasteries are the centres and nurseries of culture and churchmen and monks are the scholars and writers of the age. The papacy and the church hold a dominant position and everywhere men are ready to do homage to them and listen to their voice as to the voice of God. Even secular life and activities are moulded by religious ideas and ideals. Such being the case, it is no wonder that we find that, in all departments of knowledge, thought is coloured by theology. As a great writer observes,<sup>1</sup> “theology is no doubt the mode of medieval thought: the history of the middle ages is the history of the Latin Church. The over-mastering strength of theology gave its shape to everything with which it came into contract. Society was treated as though it were actually a theocracy; politics, philosophy, education were brought under its control and adjusted to a technical theological terminology.....Men thought theologically and expressed themselves theologically.” Politics and theology, instead of being dissociated from each other, were closely inter-related. The political literature of the

1. Poole — *Illustrations of the History of Medieval Thought and Learning*— P. 2.

age will consequently be found cast in a somewhat theological mould and tinged with a religious hue.

There are a great many works—political or semi-political—that have come down to us from the middle ages. Most of these works are scholastic and polemical and bear the marks of partisan authorship. It is well-known that the two great powers of the middle ages—the Papacy and the Empire—were engaged in a bitter strife for centuries. Both parties had their doughty champions—ecclesiastical or secular—and there consequently followed a protracted controversy, an interminable war of words, a battle of the books, amongst them. Ideas, theories, arguments, of all kinds were brought forward and elaborated by these writers. All sources—historical, literary, theological—were drawn upon and occasionally imagination played no small part in supplying ideas and theories. It is true that there is a great deal that is barren and arid, that is unrelated to fact and reality, in this controversial literature but we also find enshired in it, ideas and ideals that are fruitful and suggestive and sometimes, strangely modern. Some of the ablest scholars and acutes intellects of the age—St. Augustine, St. Thomas Aquinas, Dante, Marsilius, William of Ockham, Wycliffe, Gerson. Nicolas of Cues—figured in this controversy and it can, by no means, be an unprofitable task for us to explore their writings and understand some of their views and ideas on matters of church and state. There are many different strands in the texture of medieval political thought and it is proposed in this chapter to examine some of the most important of these.

## II

### The theory of Papal Sovereignty.

As Ernest Barker observes,<sup>2</sup> "the note of all medieval thought is its universalism" "Unity is the root of all and therefore of all social existence." In high terms Dante extols the principle of unity as the source of all good, for the *maxime ens* must be the *maxime unum* and the *maxime unum* must be the

2. Essay on—*Medieval Political Thought* — in Hearnshaw's—*Social and Political Ideas of the Middle Ages*—P. 12.

*maxime bonum.*<sup>3</sup> Secondly, according to this principle, all mankind constituted a single society, a *Respublica Christina*, living under one principle of life, having one law and one sovereign head. It was granted that there might be two orders—the spiritual and the secular—and even two governments but there could be only one sovereign. Where was that sovereign to be looked for?

It was contended by the ecclesiastical party, with not a little fervour and erudition, that the sovereign could be no other than the spiritual power. The theory of the superiority of the spiritual order to the temporal and of the supremacy of the Pope as the head of that order, was developed and fortified by a series of arguments, biblical, historical and legal. It was pointed out that spiritual functions were inherently more worthy and dignified than merely secular duties. "As the saving of souls was infinitely more important than the regulation of mere physical life, so the savers of souls were infinitely more worthy of honour than the regulators of physical life."<sup>4</sup> The church was an institution immediately founded by God himself and thus occupied an exalted position. In the words of Gierki,<sup>5</sup> "the church, being the one true state, has received by a mandate from God the plenitude of all spiritual and temporal powers, they being integral parts of one might. The head of this all-embracing state is Christ. As Christ's Vice-Regent, the earthly Head of the Church is the one and only Head of all mankind. The Pope is the wielder of what is in principle an empire over the community of mortals. He is their priest and their king; their spiritual and temporal monarch; their law-giver and judge in all causes supreme." While spiritual and temporal powers were thus vested in the Pope, the bearer of this supreme plenitude of power was forbidden by divine law to wield the temporal power himself, as derogatory to his high estate and it was consequently transferred to less worthy hands—the secular rulers, Kaiser and kings. Both swords—the spiritual and the temporal—had been given by God to Peter and through him to the Popes who, however, retaining the

3. Gierki and Maitland—*Political Theories of the Middle Age*—Notes—P. 102.

4. Dunning—*Political Theories*—Vol. I—P. 170.

5. Gierki—*Op. Cit.*—PP. 11 & 12.

spiritual sword only, had delegated the temporal sword, as less worthy, to secular princes. It was admitted that God had willed the separation of the *Regnum* from the *Sacerdotum*, that is, the existence of the secular state. Still it was only by the mediation of the Church that the secular power received its divine right and sanction. "That the Emperor and likewise all secular rulers derive their offices but mediately from God and immediately from the Church's Head, who in this matter as in others, acts as God's Vice-Regent—this became the general theory of the Church."<sup>6</sup>

In the light of this theory, it must be obvious that the relation of the state and its Head to the Church and its Head was one of strict subordination. The temporal power was subject to, and should obey, the spiritual. Kings and Princes were but agents of the Church. Temporal power was a sort of feudal lordship, the Emperor taking rank as the highest of the Pope's vassals. As the guardian of righteousness, morality and justice, it devolved on the Pope, as and when occasion arose, to interfere in the affairs of secular princes and supervise, control and correct their actions. It was open to him to make use of spiritual means in discharging his duty and if that did not suffice, to call the temporal sword into play. "It is for him to judge and punish Emperors and Kings, to receive complaints against them, to shield the people from their tyranny, to depose rulers who are neglectful of their duties and to discharge their subjects from the oath of fealty." The theory of papal hegemony was carried to greater and more extravagant lengths still by certain high papalists and wearers of the papal crown.

In connection with this hierarchical theory, it must be somewhat interesting to see how the theory is developed and moulded by certain prominent church supporters of the age—say, John of Salisbury<sup>7</sup> and St. Thomas Aquinas.<sup>8</sup> According to John, the State or Commonwealth is an organism or body.

6. *Ibid*—P 13.

7 and 8. The views of John of Salisbury and Aquinas are embodied in their works—*Policraticus* and *De Regimine Principum*, respectively. For a concise exposition of their ideas, refer to Jacob's essay on John and Aveling's essay on Aquinas, both given in Hearnshaw's *Social and Political Ideas of the Middle Ages*.

"animated by the benefit of the divine gift, conducted at the bidding of the Highest equity and controlled by the rule of reason."<sup>9</sup> He compares the prince to the head and the clergy to the soul. In the body the head and the members are ruled by the soul, whose special task is to love and reverence God. Even so, in the Commonwealth the prince and people should be guided by the clergy, who are God's ministers and representatives. "As divine law transcends human law, so those who minister in divine things are superior to those who minister in earthly things."<sup>10</sup> John declares that it was from the church that the prince received the material sword and that consequently, he is the servant or minister of the priesthood and inferior to it because of his material function. Aquinas develops the theory in a slightly different manner. "The natural end of a people formed into a society" he writes,<sup>11</sup> "is to live virtuously .. .... But since the virtuous man is also determined to a further end; the purpose of society is not merely that man should live virtuously, but that by virtue he should come to the enjoyment of God." Man or society has then two objects—a *virtuous life* here and a *blessed life*, the enjoyment of God, hereafter. Of these, the second is, of course, the essential and the ultimate end, the first being only a means to it. While it is given to earthly princes to minister to the first end, it is beyond human capacity and direction to minister to the second, the possession of God, an end extrinsic to man's nature. "This belongs to the divine government which pertains to that king who is not only man but God, namely, our Lord Jesus Christ . .... The administration of this kingdom has been committed not to the kings of this world but to priests and above all, to the sovereign Roman Pontiff, the successor of Peter, the Vicar of Christ, to whom all the kings of Christian people should be subject as to our Lord, Jesus Christ, himself." His line of argument is that the ruler who directs men to their ultimate end should be placed over those who have care only of intermediate ends. Aquinas further proceeds to observe that the authority of the priest is not only spiritual but also temporal and that it

9. *Policratis. V*—540 a.

10. *Sugra. IV*—516 a.

11. *De Regimine Principum*, lib. i, c. 14.

pertains to the Papal office to supervise the conduct of kings and make sure that their duties are so discharged as to subserve the ultimate ends of man. Thus Aquinas establishes the supremacy of the spiritual kingship over the secular.

Papal sovereignty was not merely a matter of theory in the middle ages—it was also realised or attempted to be realised, to a great extent. The period of two centuries and more following the pontificate of Hildebrand is the golden age of the Papaey. The extraordinary claims put forward by Popes like Hildebrand (Gregory VII), Innocent III and Boniface VIII and the plenitude of power enjoyed by them are well known to students of history. It was Hildebrand's dream that the Pope should be sovereign arbiter of all disputes, "holding in his hands the supreme mediation in questions of war and peace, adjudging contested successions in the kingdoms, deposing tyrants and in short, forming, instead of king or emperor, the real coping-stone of the feudal organisation."<sup>12</sup> The dream was largely realised in the pontificate of Innocent III. The lofty tone he assumed towards secular princes, his constant intervention in their affairs, the vassalage to which he reduced one king after another—the king of Portugal, the king of Aragon, the king of Poland, the king of England—are all matters of history. It was left of Pope Boniface VIII to carry Papal claims to the highest pitch. He envisaged himself as head of a vast confederation of the states of Europe, wielding spiritual and temporal power and in the great Jubilee of 1300 is said to have exclaimed. "I am Caesar, I am Pope."<sup>13</sup> The bull, *Clericis Laicos*, issued by him forbade the clergy to pay taxes to lay rulers and the bull, *Unam Sanctum*, declared "that it is necessary to salvation that every creature shall be subject to the Roman Pope".

From the fourteenth century, however, the Papacy suffered a partial decline and eclipse. Protests were made in several quarters against its exorbitant claims and the conciliar movement was started to democratise the church. Something will be said of this movement in a subsequent section.

12. Sidgwick—*Development of European Pality*—P. 226.

13. See the essay on *Pierre Du Bois* in Hearnshaw's *Social and Political ideas of the middle ages*—P. 145.

## III

## The Theory of World Empire.

The state too had its partisans and protagonists—Pierre Du Bois, Dante, Marsilius, William of Okham, Nicolas of Cues to mention but a few names and the theory of papal sovereignty came in for no little criticism at their hands. The theory was examined by them from various standpoints, assailed on various grounds, and discarded.

The general position taken up by most of the state supporters, a sort of middle position, was that the secular power held a position equal to, and co-ordinate with, the spiritual, that the two swords were *pote states distinctae*, that *sacerdotum* and *imperium* were two independent spheres, constituted directly by God. This is the doctrine of dualism or parallelism which claimed for the state an inherent authority, not derived from ecclesiastical canons but immediately from God and consequently, a position of equal power, prestige and importance, with the church. Kaiser and kings were the equals, and not the vassals, of the Pope. According to a few extreme writers, like Marsilius, the former were even superior to the latter, the church being only a department of the state.

How was the secular power to be organised—as one state or as a number of states? The principle of oneness, of unity—the cardinal principle of the middle ages—came to be applied here and in accordance with this principle, it was pointed out that all mankind should be constituted as a world-state under the sovereignty of a world-king. There had existed a universal empire—the Roman Empire—far back in the past and it had vouchsafed to the world the priceless blessings of peace and order. For centuries, under the efficient rule of the Emperors, wars had ceased and the kindly earth had slumbered, lapt in universal law. The *Pax Romana* was the haunting ideal of many noble minds in the middle ages. It captivated the imagination, fired the enthusiasm and stimulated the thought of poets, prophets and philosophers. The empire of the middle ages—the so-called Holy Roman Empire—was however little more than a shadow of its predecessor. It was practically confined to Germany and even there, by the fourteenth century,

it was breaking up into fragments, the imperial name enjoying little prestige and authority. Outside the empire, national monarchies—England, France, Castile, Aragon—were growing up to lustihood. None-the-less, we find the ideal of a world-state, however futile or visionary it might appear, holding potent sway over certain minds of the age.

For a magnificent conception and eloquent exposition of the ideal of world-empire, we have to turn to the pages of Dante's *De-Monarchia*?<sup>14</sup> "Dante's genius gave to his treatise a form which makes it logically the most complete and perfect system that we have of imperialistic philosophy."<sup>15</sup> The Poet truly but tritely observes that for man to exercise freely his faculties and make progress in all directions, the one essential condition is universal peace. Universal peace is the best of those things that God has ordained for our happiness. That is why the message that rang out to the Shepherds was not riches, not pleasure, not honour, not length of life, not health, not strength, not beauty, but peace. "Glory to God in the highest and on earth, peace to men of good will." Then he proceeds to observe that to maintain and safeguard peace what is wanted is unity—unity of aim and direction. This can be secured only if we have one guiding and controlling power below the supreme power "whose will is our peace". That power is the monarch or emperor. Dante has a lofty conception of the office of Emperor who is "Law personified, Law throned and crowned and invested with majesty and honour."<sup>16</sup> The celestial hierarchy should be the pattern of earthly monarchy and just as, according to the astrology of the time, the whole heaven was regulated by a single motion, even so, the human race is best disposed when ruled by a single prince. The poet explains the need for a supreme tribunal and a supreme prince to hold the scales between man and man. Lastly, he points out that to maintain supreme law and justice, there is need for a person,

14. There is an English translation of *De-Monarchia* by Dean Church. For a brief, lucid exposition of Dante's views refer to E. Sharwood Smith's essay on *Dante and World Empire* in Hearnshaw's *Social and Political Ideas of the Middle Ages*.

15. Dunning—*Political Theories*—Vol. I—P. 230.

16. Sharwood Smith—Essay, *supra*—P. 119.

unswayed by passion and unaffected by ambition and greed and that such a person could only be the universal monarch for, being everything and having all, he has nothing left to desire. In Dante's scheme of empire there is room for local princes but they are all vassals or agents of the Emperor, bound to carry out his will.

A great writer<sup>17</sup> has characterised Dante's scheme as an epitaph rather than a prophesy. I may however observe that this judgment is rather one-sided and is but partially true. If Dante's scheme of world-state is an epitaph on a vanished or vanishing empire, may we not also as truly say that it is a prophesy of the federal world-state to be, "of the parliament of man and the federation of the world," the dream of poets and philosophers for ages, which is now materialising in the "League of nations"—essentially an organisation for peace. If Dante realised that without a universal empire there could be no guarantee for peace, is it not the same truth that we are realising to-day, although we would have a world league rather than a world empire, as better suited to modern conditions?

Another great supporter of world-monarchy, a contemporary of Dante, is Pierre Du Bois.<sup>18</sup> Like Dante, he also emphasises the need for the union of all nations under one king, to secure and safeguard universal peace. Whereas Dante identified his world-state with the Holy Roman Empire of his day which, according to him, was the legitimate successor of the old Roman Empire, Pierre Du Bois would have the world united under the king of France. His dream is the dream of world-dominion for France. "It is the peculiar merit of the French to have a surer judgment than other nations, not to act without consideration nor to place themselves in opposition to right reason". The means that he suggests to realise his scheme of French domination is to abolish the temporal powers of the Papacy and transfer them wholesale to the king of France.

17. Bryce—*Holy Roman Empire*—P. 264.

18. The ideas of Pierre Due Bois are embodied in his two works—*De Abbreviatione*—1300 and—*De Recuperatione Terre Sancte*—1305—07. For a concise exposition of his ideas refer to Eileen Power's essay on *Pierre Du Bois and the Domination of France* in Hearnshaw's *Social and Political Ideas of the Middle Ages*.

The temporalities of the clergy, all the kingdoms subject to the Papal see—Naples, Sicily, Aragon, Hungary, England—the lands comprised in the Donation of Constantine, the title of Senator of Rome—all these are to be transferred to the king of France.

Although the scheme of Pierre Du Bois might appear to us as wild, quixotic, chimerical, it must, at the same time, in justice, be observed that the scheme was not altogether without justification owing to the fact that France held a predominant position in his time (14th century). The Empire was then a decaying power while France was a growing power. The fall of the Hohenstaufen was a death-blow to the Empire. "A great renaissance of culture in the 12th century gave France in monasticism, in scholasticism, in literature, in architecture and in civilisation generally, the leadership of the Western world."<sup>19</sup> French monarchy was steadily advancing from the twelfth century; feudalism had been curbed, the frontiers pushed eastwards and southwards and the administration centralised. French was the language of civilisation everywhere and the University of Paris held a position of intellectual pre-eminence. "In spite of the antiquarian claims of the Emperor, no one with any sense of reality could doubt that France was the foremost power in Europe."<sup>20</sup>

#### IV

##### The Doctrine of National Monarchy.

While a world-state under a world-monarch was the dominant ideal of the middle ages, the growth of national states and national monarchies was, however, the fact. By the thirteenth century the various races of England had been welded together into one nation. The Norman conquest supplied a formative and disciplinary force to England and gave her unity. Feudalism was curbed and limited on all sides by the strong, enlightened policy of the Norman and Plantagenet kings and the government was centralised. "The separateness of England told upon

19. Eileen Power's essay on—*Pierre Du Bois* in Hearnshaw's book—*supra*  
P. 142.

20. *Ibid*—P. 143.

her kings, aliens as they were in blood, making them identify themselves more and more with their island realm. Two centuries after the conquest, Edward I, Norman or French, by every strain of descent, was English to the backbone and devoted his energies to the insular task of uniting Britain.<sup>21</sup> By the 13th century, England had become a strong national state, under a strong national monarchy and held a deservedly proud position in Europe.

As already observed, France too had become, by the fourteenth century, a predominant power in Europe. The history of France from the time of Philip Augustus is one of steady advance of the royal power. By the conquest of Normandy and other territories, French royal domain was vastly extended and royal prestige vastly enhanced. The hydra-head of feudalism was smitten by the French kings and by a series of administrative reforms, the government was centralised and royal power consolidated and extended. France in fact had risen to such a great and glorious position by the 14th century that certain French writers—notably, Pierre Du Bois—were obsessed with the vision of a world-empire or rather, a warless world, under French sovereignty. In Spain too, lusty monarchies were growing up at the time—Castile, Aragon, Portugal.

These were the facts of the time and they could not be completely ignored. The principle of the universal state came accordingly to be questioned and assailed. "Especially in France, we hear the doctrine that the oneness of all mankind need not find expression in a one and only state but that on the contrary a plurality of states best corresponds to the nature of man and of temporal power."<sup>22</sup> It is a notable French writer—John of Paris—that has given a logical and lucid expression to this doctrine and done for the kingdom (regnum) what Dante has done for the world-empire.<sup>23</sup> Conceding that the organisation of the clergy under a single head is desirable, he argues that this

21. H. S. George—*Relations of History and Geography*.

22. Gierki and Maitland—*Political Theories of the Middle Age*—P. 20.

23. The views of John of Paris are embodied in his work—*De Potestate Regia et Papa*—For a concise summary of his arguments, vide Dunning—*Political Theories*—Vol. I—P. 226.

is not, however, true as regards temporal rulers. The faith necessary to salvation, he declares, is one and the same everywhere and hence there is need for unity in ecclesiastical control. But the secular interests of men are diverse in diverse places and hence the need for a plurality of states. Secondly, while it is possible for one man to rule the whole world in spirituals, it is not possible in temporals. "The former government works through mere words while the latter works through force and it is easy enough to send words everywhere but impossible to exercise effectively at long range."<sup>24</sup> Thirdly, the property of laymen in their temporal relations is individual but the property held by the clergy belongs to the whole body of the church. Therefore, while a single steward is necessary for the church, it is not so for the state.

Marsilius of Padua "leaves the question open but remarks that the unity of the world does not prove the necessity of an *unicus principatus*, since a *pluralitas* can constitute a unity."<sup>25</sup> The view expressed by William of Okham is that, according to circumstances, sometimes unity, sometimes separation, will be desirable.

## V

### Theories of the origin, character and limitations of Kingship.

Monarchy is conceived as the best form of government by most medieval thinkers. They thought that there existed a monarchical order throughout the universe, in animate and inanimate nature, from which it followed that this order was also the best for church and state. The principle of unity was also employed by them as an argument in their favour. "In this contest all arguments descend from the principle that the essence of the social organism lies in unity, that this unity must be represented in a governing part and that this object can be best attained if that governing part be in itself a unit and consequently a single individual."<sup>26</sup>

24. Dunning—*Op. Cit.*

25. Gierki and Maitland—*Political Theories of the middle age— Notes*—P 128.

26. *Ibid*— P. 31—32.

A great writer<sup>27</sup> thus sums up the medieval theory of the origin and character of kingship:—"Kingship is a penalty for sin and indeed, in so far as it satisfies the passion for domination, it is itself tainted with sin; but it is also a remedy for sin since its object is the punishment of iniquity and the doing of justice, and as such, it is divinely ordained." The institution of kingship was believed to be the result of sin, of man's fall. In the original state of nature men were simple and innocent, virtuous and happy and there was consequently no need for any sort of coercive organisation. But in course of time men passed out of this state, and falling into sin and vice, began to hate one another and fill the world with confusion and strife. This made the institution of government necessary. Kings were ordained by God that, wielding the rod of authority, they might maintain peace and order, restrain the graver vices of men and guide them to some measure of righteousness and just dealing. In this way, kingship was also a remedy for sin. It was a remedy to check the evil propensities of men, and promote goodness and virtue. We find this theory of the sinful origin of government affirmed by Church Fathers such as St. Irenaeus, and St. Augustine, by Pope Gregory VII and many others.<sup>28</sup>

Kingship was also considered to be divine in origin. In the new Testament St. Paul says "the Powers that be are ordained of God, who so therefore resisteth the Powers resisteth the ordinance of God." The theory of the divine right of kings is affirmed by all medieval writers. Church supporters affirmed that lay rulers derived their authority only mediately from God and immediately from Church, whereas, state champions contended that the temporal power was as directly ordained of God as the spiritual and that if the Pope was the spiritual Vicar of Christ, the Kaiser was his temporal Vicar. In one form or another, the divine right of kingship was affirmed by both parties. The ceremony of coronation, which began to appear in the early middle ages, implies in itself a whole conception of kingship.

27. Ernest Barker—*Medieval Political Thought*, in Hearnshaw's *Social and Political Ideas of the Middle Ages*—P. 20.
28. Vide A. J. Carlyle's essay on St. Augustine and the city of God in Hearnshaw's *Social and Political Ideas of the Middle Ages*.

"It implies a form of election, nominally by human electors but ultimately by God himself. It contains a ceremony of anointing whereby the king receives an unction and is ordained, as it were, to a holy office and a divine right. It contains a form of oath by which the king is pledged in a triple pledge—to defend the church, to repress rapine and iniquity and to enjoin justice and mercy."<sup>29</sup>

The divine right of kingship was however not "a right divine to govern wrong." On the other hand, it imposed special duties and obligations on the ruler and made it incumbent on him to order his government on the model of divine government. As Gierki observes,<sup>30</sup> "Lordship therefore was never mere right; primarily it was duty; it was a divine, and for that very reason, an all the more enerous, calling; it was a public office; a service rendered to the whole body." The ideals of kingly government were noble and inspiring. It is the duty of the prince, says John of Salisbury, "out of love of justice, to observe equity, to further the advantage of the commonwealth and in all things, to choose the good of others before his private will. But who would speak of the prince's will in public matters? Whereas he has no leave to will aught therein, save that which is counselled by law or equity or determined by the consideration of general utility."<sup>31</sup> According to Aquinas, the sacred function of the ruler is to maintain and promote virtue and goodness among his subjects and prepare them for a life of blessedness hereafter. The king, he says, exists for the sake of the kingdom (i. e., its individual members) and not the kingdom, for the sake or advantage of the king.<sup>32</sup> Dante too had a sublime conception of the imperial office which is Law personified, Law throned and crowned. When Dante speaks of the Emperor, it is no individual Otto or Frederick that he is thinking of but the ideal Emperor, the Messiah almost, "who should chase the wolf of avarice and greed back to the place whence envy first sent her forth."<sup>33</sup>

29. Ernest Barker—*Medieval Political Thought*—P. 20.

30. *Political Theories of the Middle Ages*—P. 34.

31. Poole's *Medieval Thought and Learning*—P. 205.

32. Aveling—*St. Thomas Aquinas and the Papal Monarchy*—P. 96.

33. Sharwood Smith—*Dante and World-Empire*—P. 118.

The theory of the contractual origin of kingship or government is also set forth, with all the implications involved therein. Thus observes Manegold, a priest of the eleventh century:—"Since no one can create himself emperor or king, the people elevate a certain one person over itself to this end, that he govern and rule it according to the principle of righteous government, but if in any wise he transgresses the contract, by virtue of which he is chosen, he absolves the people from the obligations of submission, because he has first broken faith with it."<sup>34</sup> The theory of contract was however reconciled with the theory of divine right, on the ground that the people, in electing their ruler, only acted as the instrument of God and received from Him their mandate and spiritual influence. "Is it not divine and not merely human" says Nicolas of Cues, "when an assembled multitude decide as though it were one heart and one soul?"<sup>35</sup>

From the contractual theory of kingship, followed as corollaries, the rights of conditioned obedience, of resistance, of revolution, nay of tyrannicide, on the part of the people. "The doctrine of the unconditioned duty of obedience was wholly foreign to the middle age. Far rather, every duty of obedience was conditioned by the rightfulness of the command.....Every command which exceeded the limits of the ruler's authority was for his subjects a mere nullity and obliged none to obedience."<sup>36</sup> The right of active resistance to the rule of tyrants was strongly advocated by Thomas Aquinas, William of Okham and many other writers. John of Salisbury emphatically recommends the slaughter of a tyrant for which he vouches Biblical and Classical examples and rejects only the use of poison, breach of trust and breach of oath.<sup>37</sup>

In connection with the origin, character and limitations of kingship, it may be noted that there is striking similarity between medieval and ancient Indian ideas and further, that in

34. Poole—*Illustration of the Theory of Medieval Thought and Learning*—P. 205.

35. Gierki and Maitland—*Political Theories of the Middle Age*—PP. 146-141.

36. *Ibid*—P. 35.

37. *Ibid*—(Notes P. 143.)

many respects medieval theories and ideas paved the way for those of later ages.

## VI

### The Theory of Constitutional Kingship or Popular Government in state and church.

"It is a distinctive trait of medieval doctrine" says Gierki,<sup>38</sup> "that within every human group it decisively recognises an aboriginal and active right of the group taken as a whole." This is the idea of popular sovereignty which was fully current in the middle ages and enthusiastically supported by writers like Marsilius of Padua, William of Okham, and Nicolas of Cues and given practical expression to, in schemes of popular government for state and church. In accordance with this doctrine, it was affirmed that it was the right of every community to elect its ruler and that an elective monarchy was decidedly preferable to a hereditary one, as being in fuller accord with divine and natural law. Along with the right of election went the right of deposition. Nicolas of Cues lays down the broad doctrine that the acceptance or consent of those to whom it applies is the basis for the validity of every law.<sup>39</sup> Finally, on the basis of this doctrine, schemes of constitutional monarchy or republican government were evolved by certain writers—notably Marsilius<sup>40</sup> and Nicolas of Cues<sup>41</sup>—and advocated for the state. We are forcibly struck by the modernity of these schemes, reminding us, as they do, of certain popular constitutions of to-day, like those of the Swiss cantons or the American states.

Let us briefly examine the ideas of Marsilius. The sovereignty of the state, he held, rests with the people. It is their

38. *Political Theories; of the Middle Age*—P. 39.

39. *De Concordantia Catholica*—(11—12).

40. The views of Marsilius are given in his work *Defensor Pacis*. For a concise account of his views *vide* Poole, *Op. Cit.*—PP. 232—241: Gierki, *Political Theories of the Middle Age*—PP. 46—47 and J. W. Allen's essay on Marsilius in Hearnshaw's *Social and Political Ideas of the Middle Ages*.

41. The views of Nicolas of Cues are given in his work *De Concordantia Catholica*. For a summary of his political ideas, Gierki—*Op. Cit.* PP. 47—48.

inalienable right to make laws and on their consent rests their validity. By the 'people' was meant the whole body or a majority of those citizens who are entitled to vote. The right of legislation is thus vested in the people and it is to be exercised in a primary assembly of the citizens or by their elected representatives assembled together. Besides making laws, the assembly has also some administrative functions—the election of the executive head and other officers, the definition of their powers and duties, the direction and control of administration. Executive power is to be vested in a monarch or a small committee, the former being preferable in the interests of unity and efficiency. "The wielder of government is to be appointed, corrected, deposed by the Legislator *ad commune conferens*. The ruler himself is only a part of the whole and always remains inferior to the whole."<sup>42</sup> He has to interpret the law and not to make it. The officers of the state also derive their commission from the people, although the king may decide the details of their appointments and make the necessary arrangements of executive government. It will thus be seen that the king's power is limited in every direction and that his position is strictly constitutional.

The system of government described by Nicolas of Cues is also out and out democratic and in all essential features, analogous to that of Marsilius. According to him, all earthly power proceeds from God but the will of the community is the organ of the divine manifestation. Therefore all jurisdiction and administration are based upon popular election. Only a ruler who has been elected by the people is a public and common person. The function of making laws is necessarily vested in the community. The ruler also is bound by the laws and his powers are strictly limited by the scope of his mandate. "Even in his jurisdiction and administration he is subject to constant supervision, and in case he transgresses the limits of his power, he may be judged and deposed by the people."<sup>43</sup>

42. Gierki—*Op. Cit.*—P. 47.

43. *Ibid*—P. 48

The doctrine of popular sovereignty was also applied to the church and a democratic constitution promulgated for it.<sup>44</sup> Attempts were made to replace the authority of the Pope by that of a representative council. This is the great conciliar movement of the age, with which the names of Gerson, Nicolas of Cues and many other writers are associated. It is well known that in the fourteenth century the Papacy was discredited by its 'Babylonish captivity' and scandalised by a monstrous schism. Hence the virulent attacks and denunciations of Marsilius, William of Okham, Wycliffe and other writers; hence the movement to subject the Pope to the authority of a council. The atmosphere was surcharged with democratic and revolutionary ideas and the church could not be left unaffected.

John of Paris saw in the Pope only the corporative head of the community, enjoying limited powers of government and liable, if he transgressed his authority, to be admonished by the cardinals and deposed by a council. Marsilius defined the church as the entire body of Christian men—laymen and clergy. It was intolerable to him that its prerogatives should be usurped by the sacerdotal order. The right of excommunication rightly belonged not to the priests but to the congregation in which the offender lives or to its superior or to a general council. He emphatically states that the supreme power in the church belongs to the church itself, that is, to a general representative council, composed of clergy and laity alike and summoned by the civil power. The Pope was to be elected, corrected and deposed by the council and was to have no other functions "than that of requesting the temporal powers to summon a council, that of presiding in it and laying proposals before it, that of recording and publishing its resolutions and that of threatening transgressors with purely spiritual censures."<sup>45</sup> William of Okham ascribes to the general council the power of binding the Pope by its resolutions, of sitting in judgment over him, of deposing him and of surrendering him to the temporal power for punishment. He also maintains that in case of necessity the general council might meet

44. For a lucid and concise account of popular sovereignty in the church and all topics connected therewith vide Gierki—*Op. Cit.*—PP. 49—61.

45. *Ibid.*—P. 51.

without papal summons and by virtue of its inherent power. These views were further developed and emphasised by the conciliar party. Nicolas of Cues makes provision for a general council representing the whole church as well as provincial councils. It rested with these councils to elect the ecclesiastical officers, to control and direct them, to enact laws, to represent and carry out the general will of the community in matters spiritual. Popes and prelates were but the subservient agents of the councils and strictly responsible to them. The mode of constituting the councils and conducting their proceedings is sketched in detail by William of Okham, Nicolas of Cues and other writers. This is the system of church democracy, as conceived and propounded by the typical writers of the age.

## VII

### Medieval Kingship in History.

We have seen that medieval kingship was subject to various limitations, according to the writers of the age, some of whom even proceeded so far as to advocate a radical, popular government for state and church. It may now be observed that, apart from the restrictions existing in theory, there were also several actual limitations on the king's power in the medieval age. The sovereign state as now understood had not yet emerged. It was only struggling to be born.

In the first place, the church was largely an autonomous body and if it was not the actual state as some of its supporters claimed was, at least, a state within a state. It had its system of courts, synods and convocations. The clergy enjoyed numerous immunities and privileges and, irrespective of the nature of their offence, were triable only in church courts. They acknowledged the Pope as their sovereign head and owed him strict allegiance. The powers of the Pope were temporal, administrative and spiritual and we find some of the Popes treating ruling princes as mere vassals and interfering in their affairs. It may in fact be truly observed that, in the middle ages, sovereignty was divided between state and church although, at times, one or the other might have preponderated. It is true that strenuous

efforts were made by medieval English kings to establish royal supremacy over church, but with only partial success. It was the achievement of the Reformation that in all countries, protestant and even catholic, the church was brought under the control of the state which thus attained full sovereignty. In the middle ages, however, the power of the state or rather, of the king as representing it, was strictly limited with reference to the church.

Feudalism was the second check on royal power in the middle ages. Feudalism was not only an economic, but also a political, organisation and the medieval monarchy was of the feudal type. In spite of the valuable services that, during an age of chaos and disruption and of feeble central government, feudalism rendered as a political organisation in the preservation of society and of the state, it must, nevertheless, be admitted that it tended to be a disruptive force and by and bye became a serious menace to royal authority. Although in theory but vassals of the king, the feudal lords, especially in western Europe, steadily enlarged their powers, usurped sovereign rights such as coinage and private war and set themselves up as independent princes. "The sovereignty of the Emperor and for a time of the king of France, over his great vassals, became equally evanescent; war and peace, coinage, justice in all degrees—there was no sovereign right that they did not claim to exercise at their free discretion."<sup>46</sup> When feudalism was at its height in western Europe, the Emperor as well as the king of France were but titular figureheads of a number of feudal principalities. Apart from this, it may also be observed that a cardinal principle of feudalism is that "the relations between the king and his subjects, in many exceedingly important features of government, were regulated by a definite contract which neither party could vary without the consent of the other."<sup>47</sup> The contractual principle was a bulwark of popular rights and a check on despotism.

Thirdly, it may be noted that in the middle ages there were representative institutions in several countries, wielding a

46. Sidgwick—*Op. Cit.*—P. 207.

47. G. B. Adams—*The Constitutional History of England*—P. 68.

greater or less degree of influence and limiting the king's power to some extent. It is true that medieval parliaments were but assemblies of estates, with very little of unity, cohesion and co-operation among them. Pressed, however, by financial necessities, the kings were forced to summon them frequently and make concessions to them. This was especially so in England, where the parliament, taking full advantage of the king's embarrassments, steadily advanced in power and prestige and established some measure of control over the king's policy and doings.

Fourthly, it may be observed that in the middle ages there existed many autonomous groups in every country—religious orders, communes, gilds, estates—which remained practically outside the sphere of state interference. The groups came into existence of themselves, they acted by themselves, they legislated and did justice, as if by inherent right. "The state itself becomes a *communitas*, sown full of *communitates*; nor shall we name it amiss if we call it a *communitas communitatum*—a federal group of groups."<sup>49</sup>

Lastly, it may be added that there is the right of resistance to tyranny inherent in every people and that this right, instead of being merely treated as a matter of theory, was often exercised in the middle ages. In medieval England alone two kings were resisted with armed force and vanquished by a union of the estates—the barons, the clergy and the commons—and two kings were actually expelled from the throne.

Bearing all this in mind, it may not be difficult for us to understand that medieval monarchy, although not constitutional in the modern sense of the term, was, nevertheless, one sternly limited on every side by the logic of facts.

49. Ernest Barker—*Op. Cit.* PP. 26–28.

## CHAPTER V.

### THE AGE OF ABSOLUTISM.

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#### I

##### Introduction.

It was observed in the previous chapter that the medieval state in Europe was, so to speak, a *communitas communitatum*, a federal group of groups; that the medieval kingship was subject to various limitations, and that, sovereignty, in the modern sense of the term, did not exist in the middle ages. Nevertheless, monarchy began steadily to assert itself everywhere as the symbol of national unity and advance in power and prestige, at the expense of rival powers. In England political feudalism was steadily curbed and limited by the Norman and Plantagenet kings and a strong, centralised monarchy established by them. In France it is true that feudalism survived longer as a political force but even there, its hydra-head was smitten by Philip Augustus and his successors and the monarchy gradually developed and consolidated. It is well-known that, thanks largely to the inspiration of Joan of Arc in the fifteenth century, a wave of national patriotism swept over the country and France attained political unity. By the close of the century, Spain too became united and consolidated under the joint rule of Ferdinand and Isabella.

The emergence of strong, national monarchies is then a striking feature of European history from the close of the fifteenth century. "By the middle of the seventeenth century .....it is clear that in most West European States monarchy is predominant over elements in the state that have struggled with it. It is decisively predominant over the successors of the great nobles, who in feudal ages had so often rivalled the monarch in power and dignity. It is also finally predominant over the weakened ecclesiastical power of a divided Christendom .....It has, to a great extent, absorbed under its rule the

cities which had, in various parts of Western Europe, achieved so high a degree of independence. And finally, it has in most cases become completely predominant over those representative assemblies which checked and balanced its power in the centuries of transition..... And thus, through the influence of monarchy, states are finally constituted all over Western Europe, whose internal coherence, unity and order contrast strikingly with the divided authority, doubtful cohesion and imperfect order that characterise medieval institutions.”<sup>1</sup>

The period from the sixteenth to the nineteenth century is therefore an age of absolute monarchy almost everywhere in Europe. A crop of benevolent depots flourished in this age—Louis XIV, Frederic the Great, Péter the Great, Catherine II, Joseph II, Henry VIII, Elizabeth—recalling to our minds the tyrants of ancient Greece. Just as the rule of the latter was, in many cases, brilliant and beneficent, even so was the rule of the European monarchs. Even as the tyrants of Greece unified their states, levelled down distinctions, promoted well-being and progress by well-conceived measures, stimulated a national spirit and prepared the way for democracy, many of the despots of Europe strove zealously for the advancement of their states and signalised their rule by splendid achievements in several directions. Just as tyranny was in many cases a necessary stage in the evolution of Greek polity, even so was absolute monarchy in the evolution of European polity. If not in details, at any rate, in larger features, we find that history very often repeats itself. Here we have an illustration of the truth. The transition from aristocracy to tyranny and from tyranny to democracy that characterised Greek city-states is found largely repeating itself in European history as well, in a similar transition from feudal aristocracy to absolute monarchy and from absolute monarchy to modern democracy.

## II

### The causes of absolute monarchy.

What are the causes to be assigned for this phenomenon in Europe—the growth of absolute monarchy? They are to be

1 Sidgwick—*Development of European Polity*—P. 323.

found in the special conditions of the age, and in the political theories then current.

The fifteenth and sixteenth centuries constitute a period of transition from the middle ages to modern times. The old order was, so to speak, in a state of liquidation. Every great medieval institution was gone or going under. The Empire was breaking up into national states. Feudalism and chivalry were becoming obsolete. The manorial system was passing away. The unity of the church was threatened by the onslaughts of the reformers. New ideas, impulses and ambitions were in evidence everywhere and revolutionising men's minds. "The revival of learning, the invention of the printing press, the expansion of the world by geographical discovery had removed the ancient landmarks and delivered the minds of men. There was a universal welter, a menace of general anarchy..... Everywhere there was need of a saviour of society; everywhere this saviour was found in the king."<sup>2</sup> The need was only increased by the chaos and distress resulting from the strife of factions in several countries—the strife of Burgundian and Armagnac in France and the Wars of the Roses in England.

In the second place, it has to be noted that it was an age of stupendous movements, like the Renaissance and the Reformation. These movements riveted men's gaze, captivated their imagination and fired their ardour. The minds of men were mostly engrossed with problems of literature, art and religion and politics was left severely alone. As Pollard observes,<sup>3</sup> "indirectly the passion for scholarship took the zest out of politics. Moreover, scholars who worked with their pens had to live on their pensions; and pensions are more easily got from princes than from parliaments."

Besides, these movements also rendered a more direct service to the new monarchy and contributed to its growth and development. The Renaissance stimulated the study of Roman law and jurisprudence which was distinctly favourable to absolute monarchy. The Roman Emperor was an autocrat out and out and it is therefore no wonder that the Roman imperial

2. Pollard—*Factors in Modern History*—P. 59

3. *Ibid*—PP. 68-69.

law came to be a shield and bulwark of autocracy. Roman civil law supplanted indigenous systems in France and Germany, in Spain, Scotland and the Netherlands. It made some progress also in England. "Nothing could have suited the kings of the new monarchy better; common law, canon law and feudal custom were all of them checks on despotism. The Roman civil law could be used against all; *quod principle placuit legis habet vigorem* ran the maxim of Ulpian, a maxim which could be quoted against Popes as well as against parliaments. Nor was this all; Roman emperors were habitually deified and men in the sixteenth century were almost inclined to pay similar honours to their kings."<sup>4</sup>

The Reformation was as much a political movement as religious and was followed, in several countries, by an immense increase in the power, prestige and wealth of the crown. The powers-secular and spiritual—that were formerly vested in the Pope were now transferred to princes, as in Germany, or to kings, as in England, Denmark and Scandinavia. They were also greatly enriched by the appropriation of ecclesiastical property. The king or prince steps into the place of the Pope and becomes the head of church as well. Sovereignty which till then had been divided between state and church, now became concentrated in the state. It is not merely in protestant states—especially, Anglican and Lutheran—that such a change took place. "Even in Catholic countries, the monarchs were able to wring such concession from the Pope, as resulted in shackling the church to the crown."<sup>5</sup> In Spain, the stronghold of catholicism, if anywhere, one might expect to see the Papacy maintain its superior power. "But, in fact, it is quite otherwise; indeed, it is hardly an exaggeration to say that Philip II is, for practical purposes, as autocratic in ecclesiastical matters in Spain, as Henry VIII is in England. He holds the patronage of all the cathedral churches in Spain, chooses archbishops, bishops and abbots, regulates the details of ecclesiastical discipline and refuses to admit the Pope's bulls and despatches when they contravene his policy. The inquisition is his instrument, not the Pope's.....Indeed, in spite of his religious fanaticism,

4. *Ibid*—PP. 69—70.

5. Hayes—*A Political and Social History of Modern Europe*—Vol 1.—P. 168.

we find him using it for purely secular purposes when the instruments of his ordinary administration fail.....The Pope complains but he has to submit; his spiritual weapons are ineffective; the king's fanaticism is intense but it is limited and qualified by a still intenser belief in himself and his sovereign rights.”<sup>6</sup> Similarly, in France, we find the Grand Monarch—Louis XIV—asserting the power of the crown against all religious authorities. In 1682 he issued the *Declaration of Gallican Liberties*<sup>7</sup> which laid down “that the authority of the Pope was limited to spiritual matters, that the royal authority was in no way dependant upon the papacy and that the Popes had no right to depose kings or to turn subjects from their duty of obedience.” The church was fully subordinated to the crown to which it renders loyal support.

Thirdly, it is well-known that the period under consideration was one of geographical discoveries, and of maritime, commercial and colonial enterprises, in Europe New avenues of wealth were opened up to the daring and the adventurous. There came the call of the sea and of the lands beyond the sea to all maritime nations. Their energies were diverted into new and profitable channels and what they desired, more than anything else, was peace and order to enable them to take advantage of the opportunities for material wealth now offered. Men came to put their trust in princes rather than in parliaments and were willing and ready to acquiesce in any kind of government, so long as it gave them peace and security. Thus observes Prof. G. B. Adams, with special reference to England.<sup>8</sup> “A wide-spread change was taking place in agriculture.....Foreign commerce was developing rapidly.....The great companies of merchant adventurers were beginning to be formed, commercial treaties were breaking down barriers against commerce, navigation acts were developing English shipping and shipbuilding, bounties, monopolies and tariffs encouraged national industries, interest was increasing in the exploration of new routes of trade.....The real heart of the middle class was in these things and the constitutional bearing

6. Sidgwick—*Development of European Polity*—P. 344.

7. Grant—*History of Europe*—P. 581

8. Adams—*The Constitutional History of England*—P. 254—55.

of the fact is to be emphasised. Never was there an age, when the taunt, sometimes heard, that the Anglo-Saxon will contentedly endure any kind of government that gives him security of trade, came nearer to justification."

Fourthly, it has to be borne in mind that the Reformation and the post-Reformation period was an age of religious wars, of dynastic ambitions and internation rivalries in Europe. The three great combatants of Western Europe in the sixteenth century were England, France and Spain. They were all actuated by a policy of aggrandisement and their mutual rivalries begat the doctrine of balance of power. During this period, the Atlantic states of Europe also developed into colonial empires and this also became a fruitful source of rivalry and strife amongst them. All these circumstances had their reaction on monarchy. As pointed out by Pollard,<sup>9</sup> "the external development of the area over which the national monarch ruled, reacted upon the degree of authority which he exercised within his dominions. Every extension of his sway intensified his dignity and power, and lifted him higher above his subjects." Further, the jealousies and rivalries—domestic and international—by which the nations of Europe were torn and distracted during the period made a strong government imperative in the interests of peace. Amid the chaos of warring sects, parties and states, the monarch became the emblem of national unity, the rallying-point of national patriotism, the object of national reverence. He was looked up to as the saviour of society and of the state.

Lastly, it is important to note that the cause of absolute monarchy had the support of the ideas and theories of the age and could count among its allies, the protestant reformers, the anglican and catholic divines, and political philosophers like Bodin and Hobbes. These ideas and theories will now be briefly considered and expounded.

### III

#### **The political theory of the reformers.**

The Reformation, besides being a religious movement, was a political and national movement as well everywhere. Churches

9. Pollard—*Op. Cit.* III—P. 68.

were organised on national lines in all countries and placed under the government of secular powers, as in Germany, Scandinavia and England. In certain countries the movement was actually initiated by the secular powers, in others it was supported by them. In any case the early reformers, for the success and stability of their movements, largely depended on the zealous support and the efficient leadership of secular princes. Without their support and leadership, the movement seemed likely either to drift into chaos or to collapse. Accordingly, the reformers could not only not afford to antagonise the civil powers but were forced to seek their favour and alliance. "This strict alliance for common defence between the governments enjoying the spoils of the old church and the reformers, preaching a non-political life is one of the characteristic features of the earliest period of the Reformation. An obvious practical consequence was the further exaltation of the power and dignity of secular governments and particularly of the monarchs. The Reformation clearly promoted, in the first half of the sixteenth century, the development of absolute monarchy."<sup>10</sup>

The theory of divine right of kings was also brought forward by the reformers to destroy the papal claims to supremacy. In the sixteenth century the theory was "a weapon forged in the great conflict with ecclesiastical aggression."<sup>11</sup> This was in fact the theory of the early church. "The Powers that be are ordained of God" said St. Paul. Working on this basis, some of the early Fathers developed the theory that the person and body of the king were so sacred that resistance to king was equivalent to resistance to God himself. "The Reformers set up the divine right of the state against the divine right of the church..... Providence, it was maintained, had never sanctioned the Papacy. That was a wicked invention of self-seeking Popes. But Providence had really ordained and sanctioned the state; the king was the Lord's Anointed rather than the priest."<sup>12</sup> The reformers accordingly preached the right of resistance to the church and the duty of passive

10. Dunning—*Political Theories: From Luther to Montesquieu*. P. 5

11. Figgis—*The Divine Right of Kings*. P. 145.

obedience to the secular power. Thus writes the greatest Tudor poet of the "divinity that doth hedge a king":—

Not all the water in the rough, rude sea,  
Can wash the balm off from an anointed king.  
The breath of worldly men cannot depose  
The deputy elected by the Lord.

By way of illustration we may briefly examine the political ideas of a few typical reformers. Let us take the German reformer—Martin Luther<sup>13</sup>—first. Luther's political ideal was the godly prince ruling by divine right. "The whole bent of his mind was really in favour of secular authority. He really believed in its divine origin and in that of human inequality...

..... But of the princely power, then rapidly rising from feudal to sovereign authority, he was by temper and circumstances alike an outstanding support."<sup>14</sup> Luther was a strong supporter of absolute monarchy and preached the duty of implicit obedience to the civil magistrate. It is not a question of how magistrates came to be where they are. We have simply to obey them. "God Almighty has made our princes mad but he has ordered us to obey them; and whoso resists shall receive damnation." In 1520 he thus declared, "I will side always with him, however unjust, who endures rebellion and against him who rebels, however, justly."<sup>15</sup> Democracy had no fascination for Luther. "We must not hearken too much to the mob" he says<sup>16</sup> "for they are fond of raging..... They have no idea of self-restraint or how to exercise it." Dr. Figgis thus sums up Luther's political theory in an epigram:—"Had there been no Luther there could never have been a Louis XIV"<sup>17</sup> I may also quote here the same writer's summary of the

12. Pollard—*Factors in Modern History*. PP. 159—160.
13. The political ideas of Luther are to be gathered from such writings as *Liberty of a Christian man*; *Letter to the German Nobility*; *Of Secular Authority—How far is Obedience due it*; and his *Table Talk*.
14. Figgis—*Political Thought in the Sixteenth Century* (Cambridge Modern History, Volume III—Chapter XXII).
15. Quoted in J. W. Allen's *Martin Luther in Hearnshaw's Social and Political Ideas of the Renaissance and Reformation*. P. 179
16. Works (Weimar Edition) XIX. P. 633—Quoted in R. H. Murray's *Political Consequences of the Reformation*. P. 63.
17. Figgis—*From Gerson to Grotius*. P. 62.

reformer's political ideas<sup>18</sup>—“Luther not only did not arrest; he actively assisted the development of the princely autocracy ; he asserted its divine ordination and universal competence ; he proclaimed the duty of enduring tyranny as God's punishment for sins ; nor can it be said that he showed any sympathy for representative institutions. A compact territory governed by a religious autocrat, with family life well ordered, was his ideal.”

In spite of certain radical differences between Lutheranism and Calvinism, both will be found very much alike, so far as the conception of kingship is concerned. Calvin like Luther is rooted in the belief that princes and magistrates are lieutenants of God.”<sup>19</sup> All their authority is “jurisdiction as delegated by God.” The subject therefore really renders loyalty to the God's representative and such loyalty must, of course, be grand and sublime. If the people have their duty towards the king, he in his turn has also his duty towards them. The king reigns in general for the common good. In their quality, as vicars of God, they must display themselves to men “as an image of Providence, safeguarded with the kindness, sweetness and justice of God.” “In fact” says a well known writer, “the benevolent despot of the eighteenth century is not an inappropriate description of the sovereign this thinker depicted.”<sup>20</sup>

Like Luther, Calvin also lays stress on the duty of passive obedience to the powers-that-be. Tyrants, no less than governors who perform their duties righteously, are raised up by God, the former to be the agents of His wrath, as the latter are of His mercy. A man of the worst character who holds sovereign power “ought to be regarded with the same reverence and esteem which they would show to the best of kings”<sup>21</sup> We may only pray that the heart of the tyrant may be changed. “There never was and we should not think of a tyranny so cruel and unlimited in which there was not some sort of equity. For God does not permit that this order should be so overthrown by the wickedness of men that we

18. Figgis—*Political thought in the sixteenth century*—Chapter XXII of the Cambridge Modern History (Vol. III)—P. 741.

19. Calvin *Sermons on Job*—Opera XXXIII—P. 162.

20. R. H. Murray—*The Political Consequences of the Reformation*—P. 10.

could not perceive some traces of it."<sup>22</sup> Again, "we see even when tyrants dominate that there are grave corruptions, yet that is more tolerable than if there were no order."<sup>23</sup> In fact, Calvin's sense of order was so strong that he preferred even tyranny to anarchy.<sup>24</sup>

If we take English Protestant reformers of the period, we find that they are in no way behind Continental reformers in this matter. In 1549 Thomas Cranmer admonishes the rebels of Devonshire in scathing terms and tells them that it is for subjects to obey princes and not to dictate to them.<sup>25</sup> Hugh Latimer preaches in the same strain. Says he in one of his sermons:—<sup>26</sup> "It becometh us, whatsoever they decree, to stand unto it and receive it obediently as far forth as it is not manifest wicked and directly against the Word of God. It pertaineth unto us to think the best, though we cannot render a cause for the doing of everything."<sup>26</sup> Soldiers on duty in Norfolk were slain in putting down the rebels. Still, he preached in his last sermon, in the presence of Edward VI. "If the king command thee to go, thou art bound to go; and serving the king thou servest God. If thou serve God, He will not shorten thy days to thy hurt." Like Latimer, Tyndale will not obey the monarch in anything against the commands of God. For all that, his *Obedience of a Christian man* plainly inculcates the obedience of subjects to kings, princes and rulers. Says he:—<sup>27</sup> He that judgeth the king judgeth God; and he that layeth hands on the king layeth hands on God; and he that resisteth the king resisteth God and dammeth God's law and ordinance. If the subjects sin, they must be brought to the king's judgment. If the king sin, he must be reserved unto the judgment, wrath and vengeance of God." The above instances must suffice to show

21. *Institutes of the Christian Religion*—IV—xx—26.

22. Calvin—*Commentaries on Peter*—ii—14.

23. Calvin—*Sermons on Timothy*—P. 131.

24. The political ideas of Calvin are contained in his *Institutes of the Christian Religion*—(Tr. by H. Beveridge) and *Sermons*.

25. R. H. Murray—*Op. Cit.*—PP. 253—54.

26. *Sermons*—P. 148.

27. Tyndale—*Doctrinal Tretises*—P. 177.

what a great part the reformers played in the growth or at least, the recognition, of royal absolutism.

#### IV

##### The divine right theory of the seventeenth century.

The theory of divine right of the sixteenth century becomes the theory of divine hereditary right of James I and his allies. There is a world of difference between the two theories. To quote Professor Pollard,<sup>28</sup> "the former was an ancient and a comparatively reasonable idea; the latter was new-fangled and about as irrational a theory as was ever invoked to misinterpret history. The divine right of the sixteenth century was a theological counterpart of the Tudor claim to the throne; and that, if I may use a somewhat contradictory term was a *de facto* theory and not a *de jure* theory." There is no better exponent of this theory than James I himself.<sup>29</sup> Both by common law and statute law James I was debarred from the English throne. His title was therefore entirely based on hereditary right. Hence we find him promulgate this theory and harp on it in season and out of season. The right to the crown was a hereditary, an inalienable right of birth. "Providence had not only ordained the kings that—be but pre-ordained the kings that ought to be; only through hereditary right could divine right descend; that was the divinely selected channel of royal prerogative."<sup>30</sup> Professor Gooch thus sums up the political ideas of James—"Nowhere is the Divine Right of kings—the doctrine, that is, that monarchy is divinely ordained, that hereditary right is indefeasible, that kings are accountable to God alone and that resistance to a lawful king is sin—more consisely formulated or defended with more unfaltering conviction than in the pages of the British Solomon."<sup>31</sup>

28. Pollard—*Factors in Modern History*—PP. 163—164.

29. The political theory of James I may be gathered from his *True Law of Free Monarchies*—1598—*Remonstrance for the Right of Kings* and *Speeches*.

30. Pollard—*Op. Cit.*—P. 165

31. Gooch—*Political thought in England from Bacon to Halifax*—P. 14.

There is one more difference between the divine right theories of the sixteenth and seventeenth centuries. Whereas the former was used as a weapon against militant catholicism, the latter was used as a weapon against the rights of parliament and the liberties of the people. It was in fact a political weapon with which it was attempted to sustain royal absolutism and extinguish the rights of the people. We find this theory in vogue not only in England but in France and other countries as well.

The absolutist pretensions of James I knew no bounds. In his speech to parliament in 1609, he thus expressed himself:— “Kings are justly called Gods; for they exercise a manner of resemblance of Divine power upon earth. For if you will consider the attributes of God you shall see how they agree in the person of a king. God hath power to create or destroy, make or unmake at his pleasure, to give or send death, to judge all and to be accountable to none. And the like power have kings. They make or unmake their subjects; they have power of raising up or casting down; of life and death; judges over all their subjects and in all cases, yet accountable to none but God. They have power to exalt low things and abase high things and to make of their subjects like men at chess”. “As it is atheism and blasphemy” he declared in a speech in the Star Chamber in 1616 “to dispute what God can do, so it is presumption and high contempt in a subject to dispute what a king can do or to say that a king cannot do this or that.” Passages like these abound in his writings. Here is absolutism *in excelsis*.

Such novel and extravagant claims found ready support in the anglican divines and the universities. Expressions like *His Sacred Majesty* and *Thine Anointed Servant* became common. In a court sermon Sanderson, the chaplain of the king and Professor of Divinity at Oxford, declared that in ~~no~~ circumstances could subjects take up arms against the king, “not for the salvation of a soul, no, not for the redemption of the whole world.” Sibthorpe, an anglican divine preached that a prince must be obeyed “whether he be a believer or an infidel, whether he rule justly or unjustly, courteously or cruelly.” In 1627 an equally unblushing statement of absolutism was made by

Mainwaring:-"Among all the powers ordained of God the royal is the most high, strong and large.....That sublime power is not a derivation or collection of human power but a participation of God's own omnipotency." In 1640 Cardwell expresses himself in the same lofty strain about the divine right of kings.<sup>32</sup>

The theory of absolutism and divine right found a champion of a different type in Filmer whose *Patriarcha* was published in 1680.<sup>33</sup> According to him, the state is an extension of the family and the king is the father of his people. The natural condition of mankind is not equality but patriarchal rule. Monarchy is a divine institution being in accordance with the teachings of nature. "The father governs by his own will, not by the laws and wills of his sons and servants." Even so, the king. The paternal authority, the only inalienable natural right, is preserved in every monarchical state. This authority is absolute. Laws made by parliament may be mitigated or suspended for reasons known only to him. A subject must obey his commands against the laws and even, in some cases, against divine laws. Filmer's theory is, of course, the theory of divine right but its basis was shifted from scriptural texts to the teachings of nature.

The theory of absolutism and divine hereditary right had an even greater vogue in France and some other countries, than in England. Louis XIV played the role of a typical divine-right king. His conception of monarchy was not much different from that of James I. We shall know it from his own mouth:—<sup>34</sup> "To attribute to subjects the right of forming resolutions and giving commands to their sovereign is to pervert the true order of things. It is to the head alone that pertains the right to deliberate and resolve upon; the whole duty of subjects consists in the carrying into effect of the commands given them." "Kings are absolute lords, to them belongs naturally the full and free disposal of all the property of their subjects, whether they be churchmen or laymen." "For subjects to rise against their

32. Vide Figgis—*Divine right of kings*—PP. 142—43.

33. For a concise exposition of Filmer's ideas, refer to Gooch—*Political Thought from Bacon to Halifax*—PP. 161—163.

34. Myers—*Medieval and Modern History*—P. 358

prince, however wicked or oppressive he may be, is always infinitely criminal. God who has given kings to men has willed that they should be revered as His lieutenants and has reserved to Himself alone the right to review their conduct." Once the Grand Monarch is said to have exclaimed *L'etat. e, est moi* (I am the state).

The theory of divine right monarchy also found ready support among catholic divines in France, the most prominent of them being Bossuet.<sup>35</sup> With Filmer and others, Bossuet maintains the subject's duty of passive obedience. Rebellion against princes is sacrilege. "The holy anointment is on them and the high office they exercise in the name of God protects them from all insult." The prince, the anointed of the Lord, is responsible to no man for the orders he gives.....No one can say to him-why do you do thus?.....Kings! you are Gods, your authority has a divine character, you bear on your forehead the mark of divinity."<sup>36</sup> Here we have a rhapsodical glorification of kingship which immensely delighted the French king.

## V

### **The modern doctrine of sovereignty—Bodin and Hobbes.**

It has already been observed that in the middle ages the state was, so to speak, a federal group of groups and that the modern conception of sovereignty was conspicuous by its absence. So long as the head of the state-king or prince-was only one among several competing or co-ordinate powers and sovereignty was conceived as something, divided or divisible, monarchy could not grow in strength and prestige. Hence, a new conception of sovereignty, as an absolute, unlimited, indivisible power, inherent in the state and vested preferably in a single person was essential to the development of absolute monarchy. Such a conception of sovereignty emerged in the sixteenth and seventeenth centuries and it is mainly associated with the names of Bodin and Hobbes.

Bodin is a French writer of the sixteenth century and his ideas are expounded in his famous treatise, *De Republica Libri*

35. Bossuet—*Politique tiree de l' Ecriture*—Books III, IV, V.

36. Sidgwick—*Development of European Polity*—P. 235.

*Sex.<sup>37</sup>* According to him, the state is an association of families, under *Droit Gouvernement* by *puissance souveraine*. But in the course of his exposition he makes it sufficiently clear that he regard *puissance souveraine* as alone sufficient to constitute a state. What is Bodin's conception of this sovereign power? He defines it thus:—"Sovereignty in supreme manifestation is law-making. Hence it consists essentially in an unlimited power to make law. Sovereignty can suffer no limitation in time, in function or in law, that is, it is perpetual. It is also absolutely indivisible. While this absolute, supreme, power might be vested in a single person or in a small group or in the numerical majority, Bodin shows decided predilection to monarchy and "has a strong disposition to identify the theoretical sovereign with the reigning monarch, if he can, where the facts at all admit of it."<sup>38</sup> A group is always divided; it has, strictly speaking, no will at all. Its decisions tend to be compromises which express the will of no one. Compromise distorts and confuses its action, and faction disorders it. The sovereignty attributed to an aristocracy or to a whole people is necessarily fictitious. A monarch alone can give real unity to society and establish definitely the distinction between sovereign and subject."<sup>39</sup> Bodin's doctrine is thus a doctrine of absolute sovereignty, or, we may say, of absolute monarchy. The reigning king is sovereign and enjoys absolute and unlimited power of legislation and administration.

Let us now examine the doctrine of Hobbes.<sup>40</sup> "The establishment in the region of fact, of political unity and order,

37. The treatise was published in 1576. There is an English translation of this work by R. Knolles. For a concise exposition of Bodin's ideas

refer to Dunning's *Political Theories from Luther to Montesquieu* (Ch. IV) as well as to the essay on Bodin by J. W. Allen in Hearnshaw's *Social and Political Ideas of the sixteenth and seventeenth centuries*

38. Sidgwick—*Development of European Polity*—P. 328.

39. J. W. Allen—*Jean Bodin* in Hearnshaw's *Social and Political Ideas of the 16th and 17th centuries*—P. 51.

40. Hobbes' ideas are contained mainly in his *Leviathan* (1651). For a brief critical exposition of his doctrines, vide Dunning—*Op. Cit.* (Ch. VIII) Sidgwick—*Op. Cit.* (Ch. XXIV); the essay on Hobbes by Woodward in Hearnshaw's *Social and Political Ideas of 16th and 17th centuries*.

on a monarchical basis, has for its counterpart, in the region of thought, the doctrine of Hobbes. It is his clear, uncompromising enunciation of the modern doctrine of sovereignty which marks in a decided way the transition to modern thought."<sup>41</sup>

How does Hobbes arrive at his conception of sovereignty? According to him, man is an essentially selfish and self-seeking animal. The state of nature—the pre-political condition of mankind—is therefore a state of war, the war of each against all; it is a state of "continual fear and danger of violent death; and the life of man solitary, poor, nasty, brutish and short." The condition becomes unbearable and to escape from it men enter into a compact among themselves by which, for the sake of peace and order, they agree to relinquish all their rights to a single authority and place themselves under its absolute control. This authority, through benefited by the contract, is not a party to it and cannot therefore break it. Thus the contract become irrevocable and binding on the community as a perpetual social bond. "In this way the theory is used by Hobbes as a defence of absolute monarchy, the philosopher appearing as the theoretical apologist of the Stuart despotism."<sup>42</sup>

The authority thus set up as the result of the compact is the sovereign. The sovereign's authority is derived from the consent of the subjects and he is their agent for the purpose of directing their united strength for the common benefit; but he is an agent with unlimited discretion and with an authority which cannot be revoked."<sup>43</sup> What are the attributes of sovereignty according to Hobbes? It is absolute and unlimited, indivisible and inalienable. His definition of law is significant. "Law in general is no counsel but command; nor a command of any man to any man but only of him whose command is addressed to one formerly obliged to obey him." In Chapter XVIII of the *Leviathan*, the philosopher describes in detail the rights and powers of the sovereign. In another place they are thus concisely

41. Sidgwick—*Development of European Polity*—P. 349.

42. Leacock—*Elements of Political Science*—P. 28.

43. Pollock—*History of the Science of Politics*—P. 62.

summed up by him.<sup>44</sup>—"His power cannot, without his consent, be transferred to another; He cannot forfeit it; He cannot be accused by any of his subjects of injury; He cannot be punished by them; He is judge of what is necessary for peace; and judge of doctrines; He is sole legislator; and supreme judge of controversies; and of times and occasions of war and peace; to him it belongeth to choose magistrates, counsellors, commanders and all other officers and ministers; and to determine of rewards and punishments, honour and order." The limits to sovereignty are said to consist in those powers or rights of the individual man which he cannot by any covenant divest himself of.<sup>45</sup> Thus no man can be bound to kill himself, to abstain from self-preservation or to accuse himself; and more generally the obligation of subjects to the sovereign lasts no longer than he has power to protect them. Hobbes also recognises, like Bodin, the restraints of natural law and moral law. But the sovereign is himself recognised as the interpreter of these laws. He has also supreme authority over the church. "Hobbes's political creed may be therefore described as absolutism but it is not fundamentally or primarily monarchical absolutism. It is governmental absolutism, the theoretical triumph of the principle of order over all conflicting principles of political construction."<sup>46</sup>

Hobbes does not state that sovereignty should necessarily be vested in a monarch; it might be vested in a small body of nobles or the people *en masse*. Still, like Bodin, Hobbes shows decided preference to monarchy and has a disposition to connect sovereignty with kingship. It would be interesting to consider the arguments that he advances in favour of monarchy, as compared with other forms of government.<sup>47</sup> In the first place, in a monarchy there is an identity of the private interest of the monarch with the public. "The rich power and honour of a

44. *The Leviathan* (Ch. xx)—The Clarendon Press Edition (1919)—P. 153.

45. These limits are set forth in Chapter XXI of the *Leviathan*—PP. 161—171.

46. Sidgwick—*Development of European Polity*—Ch. XXIV—P. 351.

47. Hobbes—*Leviathan*—Ch. XIX—PP. 142—152. (Clarendon Press edition).

monarch arise only from the riches, strength and reputation of his subjects.....whereas in a democracy or aristocracy, the public prosperity confers not so much to the private fortune of one that is corrupt or ambitious as doth many times a perfidious advice, a treacherous action or a civil war." Secondly, it is possible for a monarch to seek and profit by, the counsel of men of wisdom and discretion, of men well-versed in the matter about which he deliberates. He can also receive the counsel with secrecy. Whereas, an assembly is usually guided by the counsel of orators and demagogues who may inflame the passions but not enlighten the mind. No secrecy also is possible. Thirdly, the resolutions of a monarch are subject to no other inconstancy than that of human nature; but in assemblies, besides that of nature, there ariseth an inconstancy from the number. For, the absence of a few that would have the resolution once taken, continue firm, or the appearance of a few of the contrary opinion undoes to-day all that was concluded yesterday. Fourthly, a monarch cannot disagree with himself out of envy or interest but an assembly can; and that, to such an extent as to provoke a civil war. Fifthly, the iniquitous bestowal of riches and power on favourites—a prime evil of monarchy—is much worse under other forms of government, because the favourites of a monarch are few, whereas those of an assembly are many. In spite of all the fascination that democracy may have for us in these days, none can deny that there is not a little force in some of the above arguments and that with shrewd preception, Hobbes has hit on some of the weak points of democracy which have been, or are being, revealed to us more and more in democratic countries. The world of Hobbes, with its dissensions and distractions, its chaotic and unsettled conditions, was different from ours and ill suited for democratic government. Consequently, while we, in these days, would rally round the banner of democracy in spite of all its faults, Hobbes was perhaps right in pinning his faith to monarchy and commanding it to the approbation of mankind as the form of government most conducive to peace and ordered progress.

## VI

## Illustrations.

This is a disquisition on 'kingship' and not on 'kings.' It is therefore needless to dwell at length on the benevolent despots of this era—their policy and achievements. It may still be not out of place to make a passing reference to a few of them—the character of their rule and their contribution to the progress of their states.

England might appear to be an exception in the matter of absolutism which was the general feature of this age. But even there, under the appearance of constitutionalism, the rule of the Tudors in the sixteenth century was really despotic. The Tudors were in fact a dynasty of dictators under whose strong, wise and efficient government the nation made progress with amazing rapidity in all directions. They gave England peace and order, encouraged agriculture, trade, industries and maritime enterprises, founded a navy, hoarded wealth—in a word, pursued, with commendable zeal, a policy of power and thus prepared the nation for the struggles and achievements of the next century. It was Tudor England that in fact made possible Stuart England. Again, the veiled despotism of the Tudors, under which parliamentary institutions were preserved intact, successfully averted the catastrophe that overtook France and other countries—the extinction or overthrow of parliamentary institutions. To quote Marriott 'but for the strong hand of a despotism carefully veiled under the forms of law, the English Parliament might have gone the way of the Spanish Cortes and the States General of France.'<sup>48</sup>

Proceeding to France, we find that the age of the Grand Monarch in the seventeenth century was really one of unique brilliance and splendour in French history. The government of Louis was a magnificent despotism. No meeting of the States General was summoned since 1615. In spite of his insatiable lust for dominion and homicidal glory and his ceaseless wars of

48. Marriott—*English Political Institutions*—P. 186.

aggression, the king was not unmindful of the triumphs of peace and the advancement of the material and moral interests of his people. He was loyally served by a host of brilliant officers—Colbert and Louvois, Vauban and Lionne, Conde and Turenne. Distinguished men of letters gathered round the king and shed lustre on his court. During the administration of Colbert—his finance minister—a series of financial and economic reforms was carried out. The financial administration was improved, industries were encouraged, trade and commerce were stimulated, colonies enlarged, the means of communication bettered, a regular police system was instituted, the army was re-organised with better discipline and artillery and fortifications were improved. We may well accord Louis XIV a worthy place among the benevolent despots of the age.

In the case of Prussia, we find that it is from the accession of Frederick William—the Great Elector—in 1640, that its greatness really begins. "He was a type which has been frequently seen on the Prussian throne, strong, inflexible and even despotic in character; unattractive and unimaginative but devoted to the interests of the state and sparing neither of himself nor of others in its service."<sup>49</sup> He welded his scattered territories into unity, established a despotic government, extended his dominion, organised an efficient army, promoted agriculture, trade and industries by salutary measures. His policy of benevolent despotism was successfully continued by his successors, Frederick I, Frederick William I and Frederick II (the Great) until Prussia became a first-rate power in Europe—the dread and envy of other powers.

Proceeding to another country—Russia—it will be found that its development as a great power was mainly the achievement of two benevolent despots, Peter the Great and Catherine II. Peter opened a window for Russia on the Baltic Sea and did much to civilise the country. Catherine opened a second window on the Black Sea and made Russia the predominant power in that region.

49. Grant—*History of Europe*—P. 632.

One other benevolent despot of the age—almost the last—may be mentioned—Emperor Joseph II. It was his aim to convert the Austrian dominions into an ideal state, with well-rounded scientific frontiers, with a centralised administration, with its population civilised, with all its inhabitants using the same language and having the same ideas, customs and aspirations. A series of reforms was accordingly introduced by him all along the line. He was, however, an unpractical idealist, a doctrinaire reformer and most of his grand schemes, ill-conceived as they were and ill-suited to the conditions of his age, resulted in dismal failure.

At last came the French Revolution with its resounding watchword—Liberty, Equality, and Fraternity—and everywhere, the autocrats began to quake in their shoes.

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## CHAPTER VI.

### THE ANTI-MONARCHIST CURRENTS OF THE AGE OF ABSOLUTISM.

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#### I

##### Introduction.

THE period from the sixteenth to the nineteenth century was, as already shown in the previous chapter, an age of absolutism in Europe. The enduring work of the sixteenth century was the creation of the modern state—absolutist and omnipotent. Several factors contributed to this result—the conditions of the age, the Renaissance, the Reformation, the doctrines of political philosophers. State sovereignty also came, over a large part of Europe, to be associated with absolute monarchy. The king was the Lord's Anointed who held his throne by divine right and it was the sacred duty of the subjects to render implicit obedience to him.

While absolutism was largely the order of the day and the exaltation of kingship the dominant political theory, there were not, however, wanting exceptions—in many cases, striking and important—to this state of things. While we keep our eyes on the main current of the age, we are not, however, to lose sight of the counter-currents. During this age we come across not a few revolutions and movements directed against crowned and mitred tyranny. We also find the philosophy of resistance and revolution inculcated, as a lawful and effective weapon against oppression, by not a few writers and philosophers, hailing equally from opposite camps—Protestant and Papist. There were, on the one hand, the disciples of Calvin in France, Netherlands, Scotland and England and on the other, the Leaguers and Jesuits, who, however much they differed in religious matters, fully agreed in thinking that tyrants as well as ungodly and heretical rulers were entitled to no obedience and could with a clear conscience be resisted, deposed or even assassinated by their subjects, as and when occasion demanded.

While the Reformation was the parent of despotism in one way, strangely enough, it was also the nurse of liberty and democracy in other ways. In the first place, the Reformation promoted liberty of conscience, freedom of inquiry and individualism and thus drove a nail into the coffin of autocracy. Secondly, it has to be noted that Calvinism insisted on the separation of church from state and was republican in its organisation, founded as it was on the basis of the congregation. Thirdly, an inevitable result of the Reformation was the emergence of various religious bodies and it was their striving and struggle for bare existence against the assaults of the crown that led to the curbing of royal power and the gradual recognition and promotion of liberty in the spheres of religion and politics. As observed by Figgis,<sup>1</sup> "it is the transformation of the desire to persecute into the claim to an inherent right to exist on the part of religious bodies that historically produces those limitations upon state action which are the securities of freedom. But this is not all. It was only by adding to political reasons, a religious one that the struggle for freedom in the sixteenth and seventeenth centuries ended in any but one way." Again,<sup>2</sup> "the struggle for existence of the Reformation sects compelled them to put forward a general theory of government which imposes checks upon absolutism and to investigate or revive all ancient institutions which were or might be the means of controlling it." Thus observes another writer:—<sup>3</sup> "Doctrines of the sovereignty of the people and theories as to the origin of government were formulated by men who were striving to maintain their faith against the attempts of the monarch to enforce uniformity. The appeal to conscience was the only motive strong enough to withstand the claims of the sovereign state."

The following were some of the theses advanced in common by the writers of the age—especially, Protestant—in their advocacy of resistance to absolutism. They were the common strands in the tissue of the anti-monarchist thought of different writers.

1. J. N. Figgis—*From Gerson to Grotius*—Ch. V. P. 116.

2. *Ibid*—P. 119.

3. A. F. Hattersley—*A Short History of Democracy*—P. 110.

1. There is a body of 'natural law' or God's law in the universe, anterior to law in our sense and binding on all—rulers and subjects.

2. Any law issued that is contrary to this natural law is null and void.

3. The basis of the state is a contract and the authority of government also rests on a compact between the rulers and the people.

4. Law is not the arbitrary command of an irresponsible sovereign but "is the voice of reason, the harmony of the world"—the foundation, not the result, of the state authority.

5. If any ruler were to break the compact, the subjects are absolved from allegiance and are justified in resisting him with all their might.

Although some of the above statements would be dismissed by us to-day as mere hypotheses, the writers of the age had implicit faith in them as facts that could not be questioned or denied and invariably made use of them in their warfare against absolutism and tyranny.

## II

### The political theory of the Dutch Revolution.

The Dutch revolution of the sixteenth century is specially memorable in the history of freedom. It is the first great instance that modern history affords of a war of liberation, of a nation's resistance to, and deposition of, their prince and final achievement of liberty, even against overwhelming odds. The success of the Dutch was an eye-opener, and a perennial source of inspiration, to all nations struggling for liberty. It safeguarded the liberty of other nations as well. Dr. Figgis waxes eloquent on this topic<sup>4</sup>—“The Dutch were placed in the very Thermopolyæ of the universe. But for their resistance, it is almost certain that European liberty would have succumbed to the universal aggression of Spain. Even England would have been endangered.....they remain the pioneers of liberty in modern as distinct from medieval Europe, the one oasis in the desert of absolutism, the great source of intellectual and

4. Figgis—*From Gerson to Grotius*—P. 172

moral enlightenment in the age of which the typical statesman is Richelieu, the typical Churchman, Bousset or our own Laud, the typical philosopher, Thomas Hobbes.....”

The Netherlands was a possession of Spain. Calvinism made great progress there in the 16th century. It excited the wrath of Philip II, who considered himself as God's chosen agent to maintain the true faith and wipe out heresy. Accordingly, stern measures were taken by him to root out heresy in the northern region. In 1567 the Duke of Alva was sent there as Governor. He inaugurated a 'reign of terror', and resolved on the extermination of the whole nation, if necessary. Acute unrest and indignation followed and gathered head apace. In 1572 the 'water-beggars' seized the sea-ports of Brill and Flushing, and this was the signal for a popular rising. The two provinces of Zealand and Holland unfurled the banner of insurrection and declared war on the Duke of Alva and summoned William of Orange to take the lead. After much hesitation and searching of heart and having satisfied himself about the propriety and lawfulness of opposition to tyranny, William accepted the call and thereafter led the movement with such alacrity, vigour, and success that he deservedly earned the title of "Founder of Dutch Liberties." In 1579, the seven protestant provinces of the north united themselves into a Calvinistic republic with the Prince of Orange as Statholder. In 1580 Philip issued a ban against William to which the latter replied in a remarkable paper, "The Apology of the Prince of Orange," the most terrible arraignment of tyranny ever penned. At last in 1581 the United Provinces issued their famous *Declaration of Independence* and formally deposed Philip II. The preamble to this document thus sets forth the political theory of the Revolution:—"All mankind know that a prince is appointed by God to cherish his subjects, even as a shepherd to guard his sheep. When, therefore, the Prince does not fulfil his duty as protector; when he oppresses his subjects, destroys their ancient liberties, and treats them as slaves, he is to be considered not a prince but a tyrant. As such the estates of the land may lawfully and reasonably depose him and elect

another in his room."<sup>5</sup> The principle of resistance to and ridance of, tyranny cannot be better or more clearly enunciated.

By the close of the century, the Dutch practically achieved their independence. It now remained for them to consolidate their success and crystallise into treatises the principles of their movement. This was done by two famous anti-monarchs of the age—Althusius<sup>6</sup> and Grotius.<sup>7</sup>

According to Althusius, man is born for society; civil society is the outcome of a compact among the members of the community. In addition to this social compact, there is indeed another compact between the ruler and the people. According to this compact, certain rights and powers are assigned to the ruler by the community, so that he may maintain its well-being and progress. Sovereign power is vested not in the ruler but in the people. No obligation lies on the subject to heed any exercise of power by the ruler beyond that actually granted to him. Besides, the ephors and assemblies are specially constituted to serve as a check upon him. The ruler may even be slain when, in defiance of all law, he is accomplishing the destruction of the state, provided there are no other remedies available. In the creed of Althusius may be found, in fact, most of the concepts characteristic of the age—those relating to the state of nature and natural rights, the contractual origin of civil society and government, popular sovereignty, etc.

The political philosophy of Grotius is thus concisely stated by Prof. Gooch;<sup>8</sup> "Man's principal characteristic and privilege is freedom and the form of government may therefore be chosen by the people; and all agree that sovereigns are not to be obeyed when they order anything contrary to natural law or God's commands. We are not bound to watch in silence the

5. Dutch Declaration of Independence, translation in Somers' *Tracts* 1—p. 324 ff.

6. The political ideas of Althusius are to be found in his treatise *Politica Methodica Digesta* (1603). Also refer to the essay on this author in Hearnshaw's *Social and Political Ideas of some Great Thinkers of the sixteenth and seventeenth centuries*.

7. The political ideas of Grotius may be found in his work *De Jure Belli* (1625). There is also an essay on this author in Hearnshaw's work above referred to (Footnote 6).

8. Gooch G. P. and Laski H. J.—*English Democratic Ideas in the seventeenth century*

violation of laws which the ruler has sworn to observe nor the alienation of natural territory nor to suffer a government notoriously adverse to public welfare. Such a ruler may be deposed or even killed."

### III

#### The Monarchomachs.

Let us now proceed to consider briefly the views of the prominent Huguenot anti-monarchs of the sixteenth century. During the latter part of the century, for a period of thirty years or more, France was distracted by a series of civil wars, of which the issues were half religious and half political. Calvinism made steady progress in French soil and the French Calvinists, known as Huguenots, held a predominant position, especially in the south, where they established a representative and quasi-federal system of government, in defiance of royal authority. They had their own recognised leaders — the Bourbons, Admiral Coligny and others. As against them, there was the catholic party, numerically much stronger, and led chiefly by the Guises. The French rulers were also catholic. For any years after 1560, Catherine De Medici guided the destinies of France, as regent. She was crafty and machiavellian and rather than crush the Protestants, preferred to balance the contending parties against each other, so that the catholics might not grow too powerful and endanger the crown. However, for reasons which are largely mysterious, perhaps, owing to her bitter jealousy of Coligny and his growing ascendancy over the boy-king, Charles, to the detriment of her own prestige and influence, she had recourse to a most shocking and atrocious deed—the massacre of French protestants on St. Bartholomew's Day (1572). This outrage naturally kindled the wrath of the Huguenots and stimulated the growth of anti-monarchical sentiments among their rank and file. A stream of anti-monarchical pamphlets now issued from Huguenot writers, amongst whom two occupy a prominent place—Hotman<sup>9</sup> and Du Plessis Mornay.<sup>10</sup>

9. The ideas of Hotman are embodied in his work *Franco—Gallia* (1573).
10. The ideas of Du Plessis Mornay are contained in his treatise, *Vindicae Contra Tyrannos* (1576). For brief expositions of his theory, refer to Figgis,—*From Gerson to Grotius*—PP. 134—37 and Gettel's *History of Political Thought*—PP. 168—169.

Francois Hotman in his work, *Franco Gallia* (1573), makes an appeal to history and demonstrates by evidence gleaned from it that, from the earliest times, a general assembly of the nation had existed in France and that the monarchy had been limited by the people, the estates and a definite body of constitutional law. He seeks to show that the nation of France is really one of free men. For a nation to be ruled by the nod of a single man was, according to him, not worthy of man but of beasts. For the ills that afflicted the nation in his time, the panacea that he suggests is a return to what he supposed to be the ancient liberties and constitution of France.

Du Plessis Mornay is the author of a moving and eloquent work, *Vindicae Contra Tyrannos* (1576) which, according to Dr. Figgis, is the most important work on the subject, previous to Locke's treatises on civil government. According to this author, there are two contracts as the basis of the state and government. There is, in the first place, a contract between God on one side and king and people on the other, by which the former undertakes to protect the latter who, on their side, agree to maintain the true religion. If the king violates this covenant by persecuting the true religionists he is no longer entitled to the allegiance of his subjects. Such a prince is a rebel against God and may legitimately be deposed. Secondly, there is a contract between king and people which makes allegiance depend on good government and places civil rights on a firmer basis than a royal grant. It is admitted that, in order to establish a political community, the people had surrendered a portion of their rights, but it was not unconditional, nor greater than was actually needed to maintain peace and security. Sovereignty was, of course, vested in the people at large but the right of resistance to a tyrant was limited to the leaders of the community, presumably to the public officials and assemblies and was denied to the individual. Finally, the author goes on to state that, where a Christian people is harassed by its ruler, it is the sacred duty of neighbouring princes to come to its rescue. With reference to the *Vindicae* and its subsequent influence, Prof. Gooch observes<sup>11</sup> :— "It is the first work in modern history

11. Gooch and Laski—*Op. Cit.*—P. 14.

that constructs a political philosophy on the basis of certain inalienable rights of man. For this reason its relevance was not confined to France. It was utilised by, even if not specially composed for, the United Provinces, was quoted to justify the trial and execution of Charles I, and reprinted to justify the Revolution of 1688."

#### IV

##### The political theory of the Scottish Revolution.

Scotland also underwent a religious revolution in the sixteenth century, as a result of which Presbyterianism was established as the religion of the country. The event is of unique significance, for the new religion inspired the nation with a new faith, hope and joy and gave a mighty impetus to its progress all round. "From the adoption of Presbyterianism, observes a modern historian,<sup>12</sup> the modern history of Scotland begins, for in welcoming the new faith the Scots nation first began to grow conscious of itself."

The central figure, the life and soul, of the Scottish movement was, of course, John Knox, a sturdy puritan, a disciple of Calvin, "a very rare combination of genuine prophet and successful statesman." Like other disciples of Calvin, Knox too was strongly anti-monarchist in his views. He held that a prince given to idolatry, who failed to maintain the true faith as ordained in the Scriptures, deserved condign punishment—nothing less than deposition. Of course, no idolator ought to receive public office, and a prince who becomes an idolator should justly and lawfully be opposed.<sup>13</sup> He had an interview with Mary Queen of Scots in 1561 in the course of which, she charged him with disloyalty as a subject. "Think ye," inquired Mary, "that subjects having power may resist their princes?" Straight came the reply: "If the princes exceed their bounds."<sup>14</sup> As early as 1544, in a letter from the continent he had written;<sup>15</sup> "Let a thing here be noted, that the Prophet of God sometimes

12. T. F. Tout—*Advanced History of Great Britain*—P. 376.

13. Knox—*Works*—IV—P. 501.

14. *Ibid*—II—P. 372—Quoted in Murray's—*Political Consequences of the Reformation*—P. 120.

15. *Ibid*—II—PP. 589—540—Quoted in Murray—*Op. Cit*—P. 120.

may teach treason against kings, and yet, neither he, nor such as obey the word spoken in the Lord's name by him, offend God." The rule of Mary bitterly outraged his conscience and he urged her deposition. He asked "the Brethren of the Christian Congregation" to affirm that "to bridle the rage and fury of princes in free kingdoms and realms.....appertains to the nobility, sworn and born counsellors of the same and also to the barons and people, whose votes.....are to be required in all great and weighty matters of the commonwealth."<sup>16</sup> Mary was actually deposed by the Scots in 1567. Knox issued two *Books of Discipline*, the first of which enjoined that all—rulers and ruled—were subject to discipline which involved the suppression of idolatry in all its forms, and the second affirmed that the minister was to command, and the magistrate to obey, because the authority of the former flows directly from God and overrules the latter in all matters agreeable to the word of God.

The results of the Scottish Reformation were important and far-reaching and subversive of the monarchy. Knox's programme of church organisation was accepted by Parliament, and the Scottish Presbyterian Church modelled on that of Geneva. The church was separated from the state and constituted on a republican basis, with a system of councils composed of Presbyters or elders, and a General Assembly functioning as an ecclesiastical parliament. So far as the state was concerned, it was not only deprived of all control over the church, but was strictly subordinated to it. The magistrate was to carry out whatever the minister commanded: the Scottish parliament was to accept and implement whatever resolutions the General Assembly passed. The church came to dominate the state and the General Assembly, as Tout points out,<sup>17</sup> "had more influence and better expressed the wishes of the people than the Scottish parliament." James I of England only spoke the truth when he exclaimed, "Scottish Presbytery agreeth as well with the monarchy as God with the Devil." With reference to the Scottish Reformation, Dr. Figgis observes.<sup>18</sup> "The course

16. Knox—*History of the Reformation in Scotland—Works—I—P. 411.*

17. Tout—*Advanced History of Great Britain—P. 376.*

18. Figgis—*From Gerson to Grotius—P. 127.*

of the Scottish Reformation from the beginning to the deposition of Mary Stuart, and right on through the Bishops' Wars to the Revolution affords, perhaps, the most complete and consistent expression of the duty of rebellion, alike in theory and practice, which we possess outside ultramontane pamphleteering."

The most important treatise of the Scottish movement is George Buchanan's short dialogue, *De Jure Regni Apud Scots* (1579). Written to justify the deposition of Mary, the book contains two main arguments: the one, based on history and precedent, that checks on the royal power were ancient, customary and by no means, nominal; the other, based on the principle of a contract between ruler and subject. The people, acting through their assembly, possessed ultimate authority and could call a king to account, for misgovernment or tyranny. With Beza, he holds that, under certain circumstances, even tyrannicide is justifiable.

## V

### Catholic Anti-monarchs.

The Catholic anti-monarchist writers of the sixteenth century were of two classes—The Leaguers and Jesuits.<sup>19</sup> In 1584 the Duke of Alencon died childless, which made Henry of Navarre, leader of the Huguenots, heir to the French throne. The prospect of his succession was regarded with great uneasiness by the catholics who at once formed the *Catholic League* to prevent his accession and secure the throne to a catholic. The leader of the League was Henry, Duke of Guise. To achieve its objects, it was necessary for the League to repudiate the principle of legitimacy or hereditary succession as well as to secure the help of Spain. "Thus we have the singular result that the League was anti-national and was democratic; anti-national because it sought the support of Spain and democratic because it sought to champion popular rights to make the *Vox Dei* the voice of Guise."<sup>20</sup> Dr. Figgis observes<sup>21</sup>— "Both the organisation and the doctrines of the

19. For a fairly detailed account of the Leaguers and Jesuits *vide* R. H. Murray's *Political Consequences of the Reformation*—Ch. VI and Figgis, *From Gerson to Grotius*—Chps. V—VI

20. R. H. Murray—*Op. Cit.*—PP. 212—13.

21. J. N. Figgis—*Op. Cit.*—P. 138.

League were democratic. By preaching and pamphleteering, by squibs, satires and poems, it strove to appeal to all classes of the people. Its object was to assert, either in the Guise or Spanish interest, the main principle of the Counter-Reformation, that a heretic could never be a lawful king. The principle was not really different from that of Knox or Goodman; but it was laid down more universally and attracted more attention. "Since the main concern of the Leaguers was to maintain the interests of the catholic faith, it is no wonder that we find them inculcate the doctrine that a heretical ruler (Protestant) was a tyrant and could lawfully be resisted and deposed.

The name of League writers is legion; innumerable were the pamphlets issued by them. Among the writers, however, two stand out as most prominent—Jean Boucher<sup>22</sup> and William Reynolds<sup>23</sup> (Rossaeus). According to Reynolds, men originally lived in a state of nature and political constitutions are the result of a deliberate choice on the part of the people. Government is a pooling of individual rights for the common needs of security; since it starts from these rights, its power is never omnipotent. Governors exist not only for life but for the good life; the encouragement of virtue is as much a duty as the maintenance of life and property. Hence no government is legitimate without the admission of the true religion. No rightful king can tolerate heresy and a heretic king is *ipso facto* a tyrant. According to the author, the characteristics of tyranny are three, rapacious oppression, corruption of morals, hostility to the true religion. Heretic kings may be deposed both by their own subjects and by foreign princes.

Boucher is even more emphatic and advanced in his views. According to him, the right of deposing the king is double—one belongs to the church and the other to the people. Sovereignty is undoubtedly vested in the people who make kings and have the power of life and death over them. The right of election is superior to that of heredity. Monarchy is based on a mutual

22. Boucher's views are contained in his *Sermons de la Simulee Conversion* and *De Justa Abdicatione Henrici Tertii*.

23. William Reynold's views may be gathered from his *De justa Reipublicae Christianae Potestate*.

contract. The Pope or his representatives can abrogate the laws, unbind the people from their oath of obedience to their ruler and warn the human flock to trust in a sure guardian. In his philosophy there is a union of theocracy with democracy, of the old papal supremacy of the middle ages with the popular sovereignty of the Calvinists.

The Jesuits were members of the Society of Jesus, founded by Ignatius Loyola, a Spaniard, with a view to arrest the further progress of the Reformation, to win back heretics to the old faith and to carry on the missionary activities of the church in new lands. With their advent, Catholicism again became militant and aggressive. They took an active part in political affairs and made much contribution to political thought from the catholic standpoint. The political creed of the Jesuits is much akin to that of the Leaguers and may be thus summarised:—(1) They were opposed to the theory of universal empire and asserted the complete equality of sovereign states. (2) They believed in a law of nature, higher than natural law, embodying fundamental principles of justice, derived from the will of God and binding on all nations. (3) Church and State were separate and distinct bodies but the latter was decidedly inferior to the former. "As is the moon to the sun, as is the body to the soul, so is the secular state to the religious state of the Jesuits."<sup>24</sup> The end of one state is secular peace and of the other, eternal happiness and there could be no possible comparison between the two. (4) Political power is vested in the people who are by nature free and equal. The original sovereignty of the people is a cardinal doctrine of Jesuit thinkers. (5) The king derives his power from the people and is a mere delegate of their choice. He must maintain the common good according to the contract, failing which he may be deposed. (6) Even tyrannicide is lawful in certain cases. There are two classes of tyrants—usurpers and despots. The former may be slain at sight, the latter may not be. They are to be warned at first and if the warning is unheeded, they too may be slain. Such are the anti-monarchical and democratic views of the Jesuit writers.

Among the host of writers that this order produced, three, at least, deserve to be specially mentioned—Bellarmine, author of *De Rege et Regis Institutione* (1599), Mariana, author of *De Justitia et Jure* (1593) and Suarez, author of a ponderous work in ten volumes, *Tractus de Legibus* (1612).

By way of illustration, the political ideas of one of these writers—Suarez—may be summarised here. “He defends the people against the sovereign, he defends the poor against the rich, he defends liberty against absolutism and he teaches the doctrine of tyrannicide.” With Calvin, he holds that all power comes from God. At the same time, he also holds that the people possess sovereignty. “Civil power springs from natural right; but the determination of the measure and form of government of this power is left to the will of men.” He approves of monarchy but the monarch must never forget that he is a delegate of the people and his acts must be in harmony with public opinion. The pact between prince and people forms the basis of civil society. Against a legitimate king who makes unjust laws or orders unjust things, passive resistance is the proper remedy. Against a usurper, however, armed force may be used. He even maintains that a tyrant or usurper, may be killed by the first citizen, if there is no other means of getting rid of him.

## VI

### The political theory of the English Revolutions.

It may be remembered that, in the case of the Dutch and Scottish revolutions of the sixteenth century, the impelling motive was predominantly religious, although the political motive was never absent. In both these countries calvinism had made much progress among all classes and brought about a spiritual and moral awakening. The new faith was however seriously threatened by the hostility of catholic princes and hence the people were forced, for its protection and defence, to take up arms against them. It is true that the civil rights and liberties of the people were also threatened and had to be safeguarded. The religious motive was, however, predominant.

In the case of the English revolutions of the seventeenth century,<sup>25</sup> it is the political issues involved in them that arrest our attention, more than the religious. The main cause of the revolutions may be found in the Stuart theory of government. As Pollard observes,<sup>26</sup> "the Stuarts sought to aggravate and above all, to define the Tudor system of government, after the need for it had passed away." To quote the words of Marriott<sup>27</sup>. From the outset they propounded a theory of the English monarchy which was historically untenable and politically fraught with mischief and confusion." This was the theory of divine hereditary right, according to which, they claimed that they derived their right from God and were responsible to him alone, that consequently there was no limit to the royal prerogative and none could venture to question or criticise it. "As for the absolute prerogative of the crown," observed the British Solomon,<sup>28</sup> "that is no subject for the tongue of a lawyer nor is it lawful to be disputed.....it is presumptuous and high contempt in a subject to dispute what a king can do or say that a king cannot do this or that, but rest in that which is the king's will revealed in his law." Over against the determination of the king was, however, the equal determination of parliament that the king should be held to the law and be bound by the constitution. To state it in more general terms, the question at issue was the question as to where sovereignty resided—in the king, or in the king in Parliament, or in the Parliament, or in the people. It was this question that the seventeenth-century England was called upon to decide and decided as a result of the two revolutions.

Religion also played an important part in the struggles of the century. Puritanism had made great progress in the country and was a force to be reckoned with. The Presbyterians constituted a numerous and powerful body in parliament and demanded

25. In this connection read Gooch—*English Democratic ideas of the seventeenth century*, and *English Political Thought from Bacon to Halifax* as well as Sir John Marriott—*The Crisis of English Liberty*—(1930).
26. A. F. Pollard—*Factors in Modern History*.
27. Marriott—*The Crisis of English Liberty*—P. 35.
28. James I in his speech in the Star Chamber in June 1616.

radical changes in the doctrine, discipline and organisation of the church—in a word, the re-constitution of the English church on the Scottish model. On the other hand, the Independent wing of the puritans demanded complete religious toleration for every sect or congregation. However, under the influence of Laud the earlier Stuarts followed a bitterly anti-puritanary policy. Hence we find the puritans make common cause with the parliamentarians in their resistance to the crown and play a leading part in the earlier revolution, which is, in fact, a puritan revolution. As for the later stuarts, they followed a catholic policy—which excited the disgust and dismay of the nation. Protestantism itself was in jeopardy and hence the union of all protestant parties against James II.

The earlier revolution ran its course in the reign of Charles I. He was resisted by parliament, vanquished and finally made to pay the penalty of life. The execution of Charles is the first instance in modern history of what may be called tyrannicide. The formal charge brought against him was to the effect, "that the said Charles Stuart, being admitted king of England and therein trusted with a limited power to govern by, and according to, the laws of the land and not otherwise..... Yet, nevertheless, out of a wicked design to erect and uphold in himself an unlimited and tyrannical power to rule according to his will and to overthrow the rights and liberties of the people..... hath traiterously and maliciously levied war against the present parliament and the people therein represented."<sup>29</sup> The political character of the revolution is here brought out into bold relief.

Among the literary champions of the Puritan revolution the greatest, the most eloquent, the most renowned, is unquestionably John Milton<sup>30</sup>. After the execution of Charles Milton identified himself with the regicides and issued his famous tract, "The tenure of kings and magistrates" in which he traced the origin of civil society and pointed out the relations subsisting

29. Adams and Stephens—*Select Documents of English Constitutional History*—PP. 891—93.  
 30. The political ideas of Milton are contained in his pamphlets—*The Tenure of Kings and Magistrates*, *the Eikonoklastes*, *Defensio Populi Anglicani, Ready and Easy way to establish a Free Commonwealth*.

between king and people. Men were born free, he declares, in the image of God; but they began to suffer from wrong and violence, resulting from Adam's sin and so contracted to bind one another from mutual injury. One or more persons were entrusted with the administration of the commonwealth, not as lords, but as commissioners. The ultimate power remained in the people and it could not be taken away from them, without violating their birthright. To affirm that kings are accountable to God alone overturned all law; for, if they feared not God—and most do not—the people held their lives and estates by a precarious tenure. The people may therefore reject and depose them, whenever they like, by the right of free-born men to be governed in accordance with their wishes. In his last pamphlet he gives free expression to his antipathy to kingship which he declares to be unnecessary, burdensome and dangerous.

After the execution of Charles I, a form of government known as the Commonwealth was established in England which was, however, soon superseded by the military dictatorship of Cromwell, 'the man of destiny'. The Protectorate, however, collapsed soon after the death of Cromwell and in 1660, the Stuart dynasty was restored in the person of Charles. Two of the permanent results of the revolutionary era are thus stated by a well-known historian<sup>31</sup>:—(1) Although the cause of monarchy was gained, that of absolute monarchy was lost for ever. (2) The predominant influence of the House of Commons in the government of the nation was permanently established.

The Restoration period lasted from 1660 to 1688. The exuberant royalism of the early years of Charles II's reign soon subsided and after the notorious Secret Treaty of Dover was succeeded by growing national distrust of the king's policy. In fact, after 1670 a Revolution, as Seely observes, was slowly in progress, which gathered force and reached a climax after the accession of James II. During the Restoration period, anti-monarchical and popular ideas were also kept alive by such writers as Algernon Sidney<sup>32</sup> and Lord Halifax.<sup>33</sup> The fundamental

31. Taswell Langmead—*Constitutional History of England*.

32. Author of *Discourses concerning government*—(1698).

33. Author of *The Character of a Trimmer*—(1688).

thesis of the former is that all lawful government rests on popular consent and the cherished ideal of the latter is a limited monarchy.

The absolutist and papist policy of James II disgusted and outraged all classes and they united together and extended a joint invitation to William and Mary to accept the throne and save the liberties of the country. Thus the second revolution was accomplished. William and Mary were elected as joint rulers and several measures were taken to limit the powers of the crown and establish the supremacy of parliament.

The great philosopher of the second revolution is decidedly John Locke who has made a memorable contribution to political thought by his two *Treatises on Civil government*—especially, by the second treatise. The salient points of his political philosophy may be thus stated<sup>34</sup>.

Men are born social, free, national and equal and have certain inalienable rights—such as life, liberty and property. These rights are based on the law of nature which “stands as an eternal guide to all men.” “Reason is that law” and it is “nowhere to be found but in the minds of men.” For the protection of these rights, men abandoned the state of nature which had many drawbacks and united themselves by a compact into a commonwealth and put themselves under a government. The state is therefore a purposive organisation which has been formed for the protection of individual rights—especially, the right of property—and endowed with limited powers for the purpose. It is a sort of super-policeman but the emphasis is not on his function of force but “on his regulative function in the crowded thoroughfare of civilised life.” The policeman is a servant and never a master.

There is no reference anywhere in Locke's treatise to the theory of double contract—one creating civil society and the other, government. The only contract or agreement is that which creates government. Locke seems to regard state and

34. Vide C. H. Driver's essay on Locke—PP. 89—94—in Hearnshaw's *Social and Political Ideas of Some English Thinkers of the Augustan Age*. Locke's *Second Treatise on Civil Government* contains a full elaboration of his political ideas.

government as more or less synonymous. The people surrender certain of their rights to create the state, the essential right thus surrendered being the right of punishment which has a double aspect—the right of restraint and the right to compensation. The state is the recipient of all the voluntarily conceded rights of punishment relinquished by every individual which, in the state of nature, he would have exercised himself.

From this, it is obvious that the state is limited on all hands and is not absolute. "It is limited as to purpose; for its sole purpose is to prevent discord and preserve civil peace."<sup>35</sup> It is limited by the fact that the individual surrenders only a part of his rights and the other rights are outside state interference. "It is limited also by the law of nature, for no transgression of the moral law by the government can receive the support and obedience of the subject."<sup>36</sup> Ultimate power is vested in the community and if the government were to transgress any of the limitations mentioned above, the members of the community would be absolved from their allegiance and be justified in removing the government.

Although, in a well-constituted commonwealth, there can be but one supreme power, which is the legislative, to which all the rest are subordinate, "yet, the legislative being only a fiduciary power to act for certain ends, there remains still in the people a supreme power to remove or alter the legislative, when they find the legislative act contrary to the trust reposed in them."<sup>37</sup> It is thus clear that Locke's political theory is a theory of popular sovereignty. The government is endowed with limited powers for a limited purpose. Locke is essentially the precursor of Rousseau and prepares the ground for him. In more than one place, Locke condemns absolute monarchy which is "inconsistent with civil society and can be no government at all." "As if, when men quitting the state of nature entered into society, they agreed that all of them but one should be under the restraint of laws; but that he should still retain all the liberty of the state of nature increased by power and made

35. C. H. Driver—*Op. Cit.*—P. 92.

36. *Ibid.*—P. 93.

37. Locke—*Op. Cit.*—P. 192.

licentious by impurity. This is to think that men are so foolish that they take care to avoid what mischiefs may be done them by polecats or foxes, but are content, nay, think it safety, to be devoured by lions.”<sup>38</sup>

## VII

### The political theory of the American Revolution.

In the early part of the eighteenth century, England possessed a row of thirteen colonies on the Atlantic sea-board of America. The colonies had grown, and were growing, in wealth, population and prosperity and were naturally actuated by a spirit of liberty. The conquest of French Canada by the English in the Seven Years’ War rendering them immune from foreign danger only accentuated this spirit. Thus observes Acton:—<sup>39</sup> “Montcalm foretold that the English, if they conquered the French colonies, would lose their own. When the danger on the French side disappeared, it might become very uncertain whether the patrol of the Atlantic was worth the price that America had to pay for it.” In all ways, they required a careful, delicate and judicious handling on the part of the mother-country, if she were to retain their affection and allegiance. “Secure from foreign attack, conscious in a growing degree of their strength, conscious in a growing degree of the restrictions which British allegiance at the time involved, having, in the case of New England, at any rate, been cradled in independence, founded by the desire to be out of England, differing from the English at home in social and political conditions, they were essentially at a stage in their history to be handled with wise and sympathetic statesmanship.”<sup>40</sup>

If they had been handled in this manner in the reign of George III the crisis might probably not have come at all. If only the numerous and vexations commercial restrictions imposed on them had been released and they had been allowed a larger measure of self-government, the catastrophe of war and separation might probably have been averted. To quote Acton again,<sup>41</sup>

38. Locke—*Second Treatise on Civil Government*—P. 163

39. Lord Acton—*Lectures on Modern History*.

40. Lucas—*The British Empire*.

41. Acton—*Op. Cit.*

"the point at issue was a subtle and refined one and it required a great deal of mismanagement to make the quarrel irreconcileable." Thus observes Prof. Mc. Elroy<sup>41A</sup>:—"Had it been possible in 1776 for England to say to any colony capable of self-government, 'you are entitled to retire from the 'British Empire and become a self-governing member of the British Commonwealth of Nations' there need not have been bitterness or bloodshed." Again, "the colonies seceded because they were refused the right to be autonomous communities within the British Empire." England failed to handle them with tact and discretion and only irritated them by unwise and reactionary measures. Hence the American Revolution with all its fateful consequences.

The theory of the colonial resistance to England was at first based on constitutional principles. The colonists contended that they had derived their charters from the king and owed allegiance only to him and not to parliament, so that they claimed that parliament had no right to tax them. They pointed out that their own assemblies held the same position in the colonies that parliament held in Britain. They also argued that there could be no taxation without representation. The Congress of 1765 declared that, "it is inseparably essential to the freedom of a people and the undoubted right of Englishmen that no taxes be imposed on them without their consent, given personally or through their representatives."

Concurrently with the constitutional theory also appeared another based upon more abstract doctrines. It was derived largely from the philosophy of the English revolutions of the seventeenth century and the writings of English anti-monarchs like Milton, Sidney, Harrington and Locke. It was pointed out that originally men lived in a state of nature, were subject only to the law of nature and possessed many natural rights. These natural rights were the basis of political rights and hence, the conduct of the British government, even if legal, was still an infraction of the inherent rights of man. Dickinson, one of the Patriot leaders, declared,<sup>42</sup> "our liberties do not come from

41A. Mc. Elroy — *Theorists of the American Revolution* in Hearnshaw's *Representative Thinkers of the Revolutionary Era*.

42. Quoted in Merriam's *American Political Theories*—P. 48.

charters; for these are only the declaration of pre-existing rights. They do not depend on parchments or seals; but come from the King of kings and Lord of all the Earth." These natural rights were defined to be those of life, liberty, property and the pursuit of happiness. To these were also usually added freedom of worship and freedom of expression and a guarantee of fair and speedy trial by jury for those accused of crime. It was declared that civil society was the outcome of voluntary compact and government vested on the consent of the governed. In the famous Declaration of Independence there is a statement that "governments derive their just powers from the consent of the governed." There is a similar declaration in the Massachusetts Bill of Rights as well.<sup>43</sup>

Closely connected with the theory of social contract was the principle of popular consent to legislation and taxation. It was held that "taxation without representation was tyranny." John Adams maintained<sup>44</sup> that "the very definition of a free-man is one who is bound by no law to which he has not consented." Related to the doctrine of 'natural rights' and 'consent of the governed' was the doctrine of popular sovereignty. "The inherent and inalienable sovereignty of the people was assumed as a political principle of incontestable validity—a premise which could not be assailed."<sup>45</sup> From the doctrine of popular sovereignty followed, as a corollary, the right of the people to resist tyranny and misgovernment. Revd. Jonathan Mayhew denounced unjust and tyrannical magistrates in unsparing terms and declared that when they ceased to perform their functions properly, they ceased to be the ordinance and ministers of God and no more deserved that glorious character than common pirates and highwaymen."<sup>46</sup> Similar sentiments were expressed by other leaders also such as Samuel Adams, Dickinson, Langdon etc. In scathing and virulent language, Benjamin Church exclaims:—"Where a degrading servitude is the detestable alternative who can shudder at the reluctant poignard of a Brutus, the crimsoned axe of a Cromwell, or the

43. *Ibid*—P 50.

44. *Works*—IV—28.

45. *Merriam—Op. Cit*—P 54.

46. Sermon at the West Meeting House in Boston—(1749—50).

reeking dagger of a Ravillac." There is a clear enunciation of this doctrine in the Declaration of Rights:—"Whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it and to institute a new government, laying its foundations on such principles and organising its powers in such form as shall seem most likely to effect their safety and happiness." The end of government was, of course, the welfare and happiness of the people.

In the early period of the controversy there was little opposition to the monarchical principle. The growth of republican sentiment was however stimulated by the war and by the writings of Thomas Paine.<sup>47</sup> In his pamphlet—*The Commonsense* (1776)—the author exhausted the whole vocabulary of abuse with a view to render monarchy odious and ridiculous. 'Sceptred savage', 'royal brute', 'breathing automaton' are some of the precious phrases employed by him in his characterisation of kings. The latter were only useless and expensive figure-heads. The sooner they were dispensed with, the better. For the principle of hereditary succession and for aristocracy also Paine had an unconquerable antipathy. "The *Commonsense* seemed to mark the turning-point in American policy. From that time on, the advocates of independence triumphed; the 'Fathers' turned against George III and from the institution of monarchy as well and at about the same time."<sup>48</sup>

## VIII

### Rousseau and the French Revolution.

From the American Revolution we shall now proceed to the French Revolution. The latter is a movement which, with all its repulsive aspects, made the world safer for democracy than it was before. It is a movement which, with all its enormities and excesses, was indeed inspired by high and sublime ideals. The precious legacy that it left behind in the shape of kindling impulses and aspirations has been an invincible force in world-politics ever since. The French Revolution reminds

47. For Paine's political ideas re. the American Revolution *vide* his *Commonsense* (1776); *The Forester's Letters* (1776); *The American crisis* (1776-1783).

48. Merriam—*American Political Theories*—P. 74.

us in fact of a terrible volcanic eruption, which, in spite of all its destruction and devastation, leaves a flood of lava behind to fertilise the earth. To quote the words of Ramsay Muir,<sup>49</sup> "shallow and doctrinaire as the theories of the Revolution may appear, the memory of this great national resolve to turn the state into an embodiment of justice, freedom and brotherhood remained, and will perhaps always continue to be, an inspiration to the sons of men; and on the minds of that and the following generations it made an impression far deeper than could have been created by the prosaic spectacle of the practical, unidealistic British system."

The revolution was, of course, the legitimate outcome of the scandalous evils and abuses—political, social, economic and religious—rampant in France under the Ancient Regime. The government of France was a centralised despotism. Brilliant and successful as it had been under Louis XIV, the monarchy steadily degenerated under his successors and became feeble, effete, corrupt and bankrupt. Foreign wars and internal extravagance drained its resources and undermined its vitality. The social conditions of France were antiquated, irrational and oppressive. The relics of feudalism still survived. The nobles enjoyed various judicial rights and financial privileges and were exempt from taxation. The titled clergy were also a privileged order. While the nobles and clergy were thus rolling in wealth and luxury and glittering with pomp and splendour, the masses were wallowing in the Slough of Despond. They were crushed with heavy impositions and what with the royal taxes, tithes payable to the church and feudal dues payable to the lord, the peasants had hardly 18 per cent of their earnings left for their enjoyment. Their condition was really deplorable in every way. The fiscal system was unjust and ineffective. "French trade in the eighteenth century was still wrapped in the swaddling clothes appropriate to infancy. Production was hampered by the survival of guilds and corporations and exchange was rendered as cumbrous and difficult as possible by a multitude of internal customs barriers and by stacks of antiquated regulations."<sup>50</sup> The conditions of France being such, it

49. Ramsay Muir—*National Self-government*—P. 49.

50. J. A. R. Marriott—*The Re-Making of Modern Europe*—P. 17.

is no wonder that the revolutionary gospel of the philosophers, especially of Rousseau, had such telling effect and kindled such a sudden and awful blaze.

In this connection, it may be noted that the revolution in France was preceded and influenced by an intellectual movement at once revolutionary, humane and unhistorical. The eighteenth century was an age of enlightenment in France when an appeal to reason as the ultimate authority was urged by thinkers and philosophers who believed that, in this way, all ills could be cured and the regeneration of society effected. A host of writers and philosophers flourished in this age, the most prominent among them being Voltaire, Montesquieu, Diderot, the Encylopoedists and Rousseau. What all these philosophers contemplated was the overthrow of absolutism and privilege, the destruction of the corroding social and economic evils and the regeneration of society on the basis of liberty and equality. A radical transformation of existing institutions was considered by some as indispensable for the evolution of a more perfect society and hence the growth of a revolutionary spirit in politics. There was none that so clearly embodied this spirit or prepared the way for the revolution as Rousseau. Napoleon declared that if there had been no Rousseau, there would have been no French revolution. The gospel that he preached was the gospel of the revolution; the principles that he enunciated were the principles of the revolution as embodied in the Declaration of Rights. "His *Contract Social*" published in 1762 exercised and continues to exercise a profound influence upon political thought. "It is the gospel of modern democracy.

..... Into a soil prepared by social grievances, by political abuses and by mischievous economic restraints, Rousseau flung broadcast the seed of philosophical speculation. To masses of men who were at once credulous, oppressed and inexperienced he preached a new social gospel."<sup>51</sup>

Rousseau taught that sovereignty was vested in the people and embodied in the general will, that it was absolute, unlimited,inalienable and indivisible—an echo of Hobbes—that it was an essential function of the people to assemble from

time to time and make laws for themselves and not through representatives, that the executive authorities — princes or magistrates—were but commissioned agents of the sovereign who "exercise in its name the power of which it has made them depositaries and which it can limit, modify or resume when it pleases,"<sup>52</sup> and that when the people were lawfully assembled as a sovereign "the whole jurisdiction of government ceases, the executive power is suspended and the person of the meanest citizen is as sacred and inviolable as that of the highest magistrate....."<sup>53</sup> According to Rousseau, kings and princes were servants and not masters, the people were masters and not slaves, all men were free and equal and civil society was the outcome of a voluntary social compact among the members. His philosophy was calculated to raise the dignity of the common man and depress the pride of crowned heads. Voltaire described Rousseau's political philosophy as 'a code of anarchy' but the effect of his teaching was immediate and profound. Rousseau may appropriately be described as the intellectual High Priest of the French Revolution.

It is needless for our purpose to recount the course of the French Revolution. It ran a course more or less analogous to that of the Puritan revolution of England and passed through many shifting phases. As in England, even so in France, at first the king's power was limited, then the king was deposed and finally he was executed. Monarchy was succeeded by a republic and that, by a military dictatorship. Under Bonapartism, the sublime ideas and ideals of the Revolution suffered a temporary and perhaps, an apparent, eclipse, as happened in England too, under Cromwellism. The hopes, ambitions and aspirations kindled by the movement could not, however, be extinguished and they have ever since been a volcanic force in world-politics, responsible for many upheavals—national and democratic.

The ideals and principles of the Revolution are embodied in that famous document—*The Declaration of the Rights of Man and Citizen*—issued by the National Assembly in France in 1789 and given effect to in the series of measures passed by

52. Rousseau—*Contract Social*—Tr. by H. J. Tozer—P. 150.

53. *Ibid.*—P. 185.

the Assembly from 1789 to 1791. A few articles may be quoted here from the Declaration :—

1. Men are born and remain free and equal in rights. Social distinctions can be based only upon public utility.
2. The aim of every political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security and resistance to oppression.
3. Law is the expression of the general will. All citizens have a right to take part, personally or by their representatives, in its formation. It must be the same for all.
4. All citizens are equally eligible to all public dignities, places and employments according to their capacities.....
5. No man can be accused, arrested or detained, except in the cases determined by the law and according to the forms that it has prescribed.
6. No man ought to be disturbed on account of his opinions, even religious.....
7. The free communication of ideas and opinions is one of the most precious of the rights of man; every citizen then can freely speak, write and think.
8. All citizens have the right to ascertain, by themselves or by their representatives, the necessity of the public tax, to consent to it and to follow the employment of it.....
9. Property being a secured and inviolable right no one can be deprived of it, except under a legally established public necessity.....

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## CHAPTER VII.

### THE PROGRESS OF CONSTITUTIONAL MONARCHY.

( Nineteenth and twentieth centuries. )

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#### I

##### Introduction.

THE French Revolution, in spite of all its wild excesses and quixotic manifestations and the temporary frustration of its ideals under Bonapartism, had, nevertheless, aroused a spirit and unchained forces in Europe that could not easily be suppressed. Reactionary forces were however strong for many years. In 1815 the Tsar Alexander persuaded the sovereigns of Austria and Prussia to join with him in a Holy League which, with all its high-sounding and sublime principles, only appeared to the Liberals of Europe as an unholy instrument to suppress nationalism and democracy. About the same time, a quadruple treaty was also concluded between Austria, Russia, Prussia and England which inaugurated for Europe a system of government by congresses. The suppression of revolutions and the maintenance of peace and the *status quo* everywhere were the professed objects of the members with the solitary exception of England. By the adhesion of France in 1828, the Quadruple Alliance became, so to speak, the "Moral Pentarchy" of Europe. After a short-lived existence it was however broken up by the masterful policy of Canning. There were also writers like Bonald, Joseph De Maistre, Ludwig, Von Haller, lending vigorous support to a policy of reaction and statesmen of the stamp of Metternich and Hardenberg, determined to stand no nonsense like liberalism in politics.

Such reactionary forces notwithstanding, we find that liberalism in thought and practice was strongly in evidence

everywhere from the outset and that natural and democratic movements have been a striking feature of European—nay, world—history, ever since. Everywhere we have the stirrings of a new spirit—the spirit of political liberty—and from time to time, the states of Europe were shaken by revolutions and upheavals prompted by this spirit. The process of slowly and gradually replacing absolutist by constitutional monarchy was everywhere in progress. There were twists and turns in the movement, temporary defeats and disappointments but the movement never died out or was lost for ever. Like the phoenix, it ever sprang up from its seeming ashes, even with added force and energy, and eventually triumphed everywhere. Constitutions were established in most countries and the rights and liberties of the people asserted and vindicated. While in certain countries kingship was retained but without the substance of power, in others it was abolished altogether and a republican government set up. Especially in the present century, in the post-war period, the republican movement has made much headway in Europe and elsewhere, so that in many countries to-day we have elected presidents in the place of hereditary kings.

Constitutional monarchy did not assume a rigidly uniform shape in all countries. Ignoring differences in details, we come across two distinct types of it in the nineteenth century—the English type and the German type<sup>1</sup>. The English type is otherwise known as cabinet government under which the sovereign reigns but does not govern and the government is carried on in his name by the cabinet which is responsible to parliament. In Germany, on the other hand, while the king's powers were limited and the control of taxation and legislation was vested in an elected parliament, the ruler was still left as the executive head of the state, armed with ample powers and with a ministry responsible to him and not to parliament.

1. Bluntschili's conception of constitutional monarchy is that it should be of the German type with the king as a decisive factor in the constitution—*Theory of the state*—Chapters 15—16. For a criticism of this view, refer to Sidgwick's *Development of European Polity* PP. 897—401.

## II

## Progress of constitutional monarchy in England.

Let us now briefly trace the progress of constitutional monarchy in England since the Glorious Revolution. Thanks to this Revolution, parliament became supreme and the rival pretensions of the crown were destroyed. The Bill of Rights cut off the arbitrary and usurped powers of the crown and the Mutiny Act with its annual renewal and the system of annual budget and appropriations made the king strictly dependent on parliament. It now became impossible for the king to carry on government without the continued support of parliament. Hence the need for the appointment of ministers who enjoyed the confidence of parliament and were answerable to it for their conduct and policy. Thus it may be seen that the cabinet system of government is only the outcome of the revolution of 1688.

Constitutional monarchy, as it is to-day in England, was however a plant of slow growth. In spite of the Revolution, the later Stuarts were by no means figureheads. The whole realm of government policy, the determination of the conduct of government, were in their hands. They were free in the appointment of ministers and not fettered by their advice. They presided over the cabinet meetings and directed the proceedings. Thus observes Prof. Seeley:—<sup>2</sup> “William III was the great statesman of the age, dominating the politics of Europe; and how powerful he was at home, in spite of his doubtful title appears from that agitation for Place Bills and Triennial Acts which marks his reign. Anne, personally, was not strong, but her insignificance serves to set in a stronger light the power of the monarchy in her time. She, by her own will, turned out Marlborough; she contributed the largest share in that memorable change of policy which brought about the Treaty of Utrecht.” Admitting all this, it is still true that these two reigns were not without some progress in the direction of cabinet government. “At the death of Anne the cabinet, as a definite body of

2. Seeley—*Introduction to Political Science*—P. 274.

office-holders acting together and influencing on the one side, the action of government and, on the other, the action of parliament, had in practice taken the place of the Privy Council as the organ of advice and of the direction of policy....."<sup>3</sup> "It was no longer generally looked upon as an illicit secret cabal or junto....."<sup>4</sup> Further, the sovereign was obliged to take note of the party changes in parliament, and trim his ministries occasionally to suit such changes, although it must be observed that the principle of ministerial responsibility to parliament was not yet recognised.

The accession of the Hanoverian dynasty was undoubtedly a piece of good fortune for constitutional progress and was followed by a striking development of the cabinet system. George I was past fifty years of age when he succeeded to the English throne. A German that he was, he was ignorant of English language and politics. The only thing that mattered to him was his small electorate of Hanover and its interests. Accordingly, he came to absent himself from cabinet meetings and left the entire conduct of administration—especially, of internal affairs—in the hands of his ministers. "It may be said of him, without any exaggeration, that he was the first constitutional king of England in the narrower acceptation of that time; he reigned but he did not rule."<sup>5</sup> George II, although he took a little more interest in England and English affairs, was still warmly attached to Hanover and mainly stuck to his father's policy of non-intervention. "Altogether, then, his long reign of thirty-three years was a period indistinguishable from his father's, of hardly less rapid, and of as uninterrupted, growth of cabinet government, both in methods of operation and in the understanding of the system."<sup>6</sup>

The great statesman of the age was Sir Robert Walpole during whose long administration the cabinet system made considerable progress and was moulded on its modern lines. Walpole assumed the role of a chief minister and strode the cabinet like

3. G. B. Adams—*Constitutional History of England*—P. 381.

4. Adams—*Op. Cit*—P. 381.

5. Marriott—*English Political Institutions*—P. 77

6. Adams—*Op. Cit*—P. 385.

a colossus. He presided over the meetings of the cabinet, dictated and directed the policy of the administration, insisted on strict obedience to his authority and compliance with his policy on the part of his colleagues, dismissed many of them because they disagreed with, or disobeyed, him, thus conducting himself in every way as the leader of the cabinet. He is therefore rightly and appropriately taken as the first prime minister in English History. At the same time Walpole recognised the supremacy of parliament, or rather, of the House of Commons and his responsibility to it as the executive head. In 1742, when he was defeated in the Commons by a majority of 16 votes, he at once resigned, although he fully enjoyed the king's favour and could have continued in power, if so disposed.

Thanks to the growth of the cabinet system, the influence of the crown very much declined in this age. The crown passed, so to speak, under a total, or at least, a partial eclipse. George II, it is said, was conscious of a paralysis creeping upon the monarchy.<sup>7</sup> When some one praised the English Constitution, he remarked;—"It was a good constitution for the people but not for the king." He found that the power of appointing, continuing, or dismissing, ministers at will was slowly slipping out of his hands. He could not keep Walpole permanently in office although he greatly wished it. In 1744 he was obliged to allow Cartaret to be dismissed against his will and accept the ministry of the Pelhams. In spite of his bitter personal dislike for William Pitt, he was obliged to accept him in a subordinate place in 1746 and as war minister in 1757.

With the accession of George III, there was a revival of royal influence. It was the ambition of George not only to reign but also to govern, in fact, to play the part of a Patriot King. His text-books in political science had been Blackstone's *Commentaries* and Bolingbroke's *The Idea of a Patriot King*. There is a famous passage in the *Commentaries* glorifying royalty and the royal prerogative in impressive terms:—<sup>8</sup> We are next to consider those branches of the royal prerogative which invest

7. Seeley—*Introduction to Political Science*—P. 282.

8. Quoted in Sidney Low's *Governance of England*—P. 256.

our sovereign lord, thus all-perfect and immortal in his kingly capacity, with a number of authorities and powers; in the exertion whereof consists the executive part of government. This is wisely placed in a single hand by the British constitution, for the sake of unanimity, strength and despatch. The king of England is therefore, not only the chief, but properly, the sole magistrate of the nation; all others acting by commission from, and in due subordination to him....." Bolingbroke's ideal of Patriot-King is not much different from Plato's ideal of Philosopher-Prince. The former points out that a hereditary monarchy is the best of monarchies and that a limited monarchy is the best of governments.<sup>9</sup> The king's power should be limited so far as to protect the liberties of the people. No king who is not a patriot can govern Britain with ease, security, honour and dignity. A Patriot-King will make but one distinction between his rights and those of his people; he will look on his *as a trust* and theirs *as a property*. "He must begin to govern as soon as he begins to reign..... His first care will be, no doubt, to *purge his court* and to call into the administration such men as he can assure himself will serve on the *same principles* on which he intends to *govern*".<sup>10</sup> "He will redress grievances, correct errors and reform or punish ministers." He may favour one party or another upon occasions when the interests of his kingdom require it "but he will espouse none, much less will he proscribe any." Such and similar were the doctrines inculcated by the Tory leader and their influence on George III is apparent.

George proceeded with alacrity to give effect to his aims. He regarded himself as his own Prime Minister and took into his own hands the exercise of patronage. By a skilful distribution of offices, emoluments, contracts, rewards, titles and pensions, he, in a short time, created a substantial body of royal supporters—King's Friends—in Parliament on whom he could faithfully rely in season and out of season. "He worked like an election agent and dined on boiled mutton and turnips in order that he might spend his enormous income on the purchase of

9. Bolingbroke—*The Idea of a Patriot King* (Ed. by Hassal)—P. 57.

10. Bolingbroke—*Op. Cit.*—PP. 86—87.

the House of commons."<sup>11</sup> "Every one" wrote Horace Walpole, "ran to court and voted for whatever the court desired."<sup>12</sup> It has been estimated that in 1788 the King's Friends numbered 185 in a House of 483 members. Secondly, the Whig party was discredited by him, one Whig ministry after another being called to office and dismissed during the first ten years of his reign. The long Whig domination was thus broken up and the Tories were raised to power and influence.

There is no doubt that royal influence went on steadily increasing during the reign and reached its zenith in North's ministry. In 1780 the "House carried by a majority Dunning's resolution, affirming that the influence of the crown has increased, is increasing and ought to be diminished." The king was personally responsible for most of the events of the reign, like the American war.

However, the disasters that befell England in the war and other causes went a long way to damage the king's prestige and diminish his influence. It must further be noted that it was an age of Radical writers and reformers, such as Chatham, Wilkes, Horne Tooke, Major John Cartwright, Wyvill, Dr. Richard Price, who inveighed strongly against the vices and corruptions of the age and advocated root and branch reforms in the political system.<sup>13</sup> Chatham made proposals for parliamentary reform. Wilkes was the hero and demagogue of the day and contributed not a little to the rise and growth of public opinion. Cartwright denounced the vagaries of parliamentary representation, and the canker of corruption eating into its vitals and advocated household suffrage. The House of Commons was to be elected "by the unbribed, unbiased, suffrages of the freeholders" and then it would become once more "the terror and not the tool of the ministers; the bulwark and not the abusers of the people." The main planks in his platform were universal suffrage, equal representation, annual parliaments, the ballot, in certain circumstances

11. J. A. R. Marriott—*The Mechanism of the Modern State*—Vol. II—P. 28.
12. Lord Roseberry—*Pitt* (Twelve English Statesmen)—P. 78. \*
13. For an account of the English Radicals of the age, refer to G. S. Veitch's essay on the subject in Hearnshaw's—*Social and Political Ideas of the Revolutionary Era*.

the payment of members, and something very like one man, one vote — altogether, very largely, an anticipation of chartism. George III, then, in attempting a reactionary policy, was clearly working against the time-spirit and was destined to fail. The cabinet system, indeed, survived his assaults and continued to grow and flourish.

Under George IV and William IV, royal dignity and influence rapidly declined and diminished, assisted, in the first case, by the scandals of the king's private life and in the second, by the king's lack of dignity and decorum. The weakness of William IV's political position may be easily gathered from his failure to get certain alterations effected in the Reform Bill of 1832, from his inability to form a Tory government to take the place of Grey's ministry, and from his being brought, much against his will, to exert pressure on the Lords, to pass the bill.

It fell to the lot of Queen Victoria to re-establish the monarchy in the affection and esteem of the people and restore its dignity and prestige. With shrewd sagacity and insight she realised the conditions of the age and took kindly to her position as a constitutional sovereign. She was, however, made, to some extent, of the stuff of her grandfather and was not content to be a mere figurehead. Within the limits allowed by the constitution, she was ambitious to play an active part in the administration and never failed to assert her prerogatives, as and when occasion demanded. Seeing that Lord Palmerston, as Foreign Secretary, was in the habit of ignoring her in the conduct of affairs, she forwarded to him in 1850 a stinging memorandum sternly requiring him to discontinue the practice, lest he might be visited with the penalty of dismissal. She expected to be informed and consulted about everything of importance projected by her ministers. She knew that, although she could not govern or dictate to her ministers, she had every right to be consulted, to warn and to advise. "It is a matter of history that during the reign of Queen Victoria the influence exercised by her was very great. In the latter half of her reign she could bring to bear an experience of the highest affairs, which was far longer, wider and greater than that of any of her ministers. Her

sense of the high dignity and responsibility of her position, her conscientious and pertinacious devotion to business, her great interest in men and affairs her considerable common-sense gave her an undisputed and indisputable claim to be listened to with more than formal deference."<sup>14</sup> Her successors on the throne have also not failed to exercise this kind of influence. The personality of the ruler counts a great deal in the matter, independantly of constitutional law or usage.

### III

#### The theory of English constitutional monarchy.

It may not be out of place here to examine and expound briefly the theory of constitutional monarchy, as it obtains in England.

At the outset, it must be noted that legally the powers of the crown to-day are very great and are virtually the same as belonged to it about 300 years ago. What the Revolution of 1688 did was to cut off the arbitrary or usurped powers of the crown and leave the rest intact. "All told", observes Lowell,<sup>15</sup> the executive authority of the crown is, in the eye of the law, very wide, far wider than that of the chief magistrate in many countries and well-nigh as extensive as that now possessed by the monarch in any government, not an absolute despotism." Referring to these powers, Lord Brougham, as early as 1860 stated<sup>16</sup>:—"The whole executive power is lodged in the sovereign; all appointments to offices in the army and navy, all movements and disposition of those forces; all negotiation and treaty; the power to form and break alliances; all nomination to offices, whether held for life or during pleasure; all superintendance over the administration of the civil and criminal law; all confirmation and remission of sentences; all disbursements of the sums voted by parliament; all are in the absolute and exclusive possession of the crown." Twelve years later, Walter Bagehot startled his contemporaries by stating what all things the Queen could do,

14. Sir Maurice Amos—*The English constitution*—P. 104

15. A. L. Lowell—*The government of England* (1908)—P. 23.

16. Quoted in Sidney Lowe's *The governance of England*—P. 257.

without consulting parliament, that is, in virtue of prerogative.<sup>17</sup> "Not to mention other things, she could disband the army; she could dismiss all the officers from the general commander-in-chief downwards; she could dismiss all the sailors too; she could sell off all our ships of war and all our naval stores; she could make a peace by the sacrifice of Cornwall and begin a war for the conquest of Brittany; she could make every citizen in the United kingdom, male or female, a peer; she could make every parish in the United kingdom a University; she could dismiss most of the civil servants; she could pardon all offenders. In a word, the Queen could, by prerogative upset all the action of civil government within the government."<sup>18</sup> To these prerogative powers, Prof. Lowell adds also the following statutory powers<sup>19</sup>:- "We might add that the crown could appoint bishops, and in many places, clergymen, whose doctrines were repulsive to their flocks; could cause every dog to be muzzled, every pauper to eat leeks, every child in the public elementary schools to study Welsh; and could make all local improvements, such as tramways and electric light well-nigh impossible." Such are some of the important powers of the crown to-day.

If these powers were to be really and independantly exercised by the monarch, then we would have a government which is little short of absolute monarchy. In practice, however, the crown enjoys no freedom or discretion in the use of the powers but is bound by convention and usage to act strictly on the advice of the ministers. In other words, the powers of the crown are exercised, in the name of the crown, by ministers who are responsible to parliament and through parliament to the nation. Although, in theory or by law, the crown is still the executive head, in fact, it is only the nominal head, the cabinet being the real governing body in the state. Thus the English constitution is one thing in theory and another, in practice. While seeming to be a strong monarchy, it is really a crowned republic. The king has, so to speak, been placed under guardianship, the real government being vested in the cabinet. In a word, the king

17. Bagehot—*The English constitution*—Second Edition—Introduction—P. 38.

18. A. L. Lowell—*Op. Cit.*—P. 24.

reigns but does not govern. He has ceased to be an efficient part of the constitution and is only a decorative part. It is a well-known doctrine that "the king can do no wrong." The doctrine applies to legal offences as well as to political errors. Every public act of the king has to be approved or countersigned by some minister or other and it is the latter that would be held responsible for the act. "There is not a moment in the king's life, from his accession to his demise, during which there is not some one responsible to parliament for his public conduct."<sup>19</sup> "The ministers being responsible to parliament for all the acts of the crown are obliged to refrain from things that they cannot justify and to insist upon actions which they regard as necessary. In short the cabinet must carry out its own policy and to that policy the crown must submit."<sup>20</sup> The king is bound to give his ministers full confidence and follow their advice. The position of the king is strictly constitutional.

According to Bagehot,<sup>21</sup> the constitutional sovereign has but three powers—the right to be consulted, the right to encourage, the right to warn. After all, in practical administration, these rights may amount to little or nothing. A ruler of character and ability, of experience and judgment, like Queen Victoria, Edward VII, or George V, may, however, be able to exercise considerable influence on the ministry, in one way or another. The great statesman, Gladstone, has borne eloquent testimony to this fact<sup>22</sup>:—"The sovereign, as compared with her ministers, has, because she is sovereign, the advantages of long experience, wide survey, elevated position and entire disconnection from the bias of party. Further, personal and domestic relations with the ruling families abroad, give openings, in delicate cases, for saying more and saying it more gently and efficaciously, than could be ventured in the more formal correspondence and ruder contacts of governments..... The acts, the wishes, the example, of the sovereign in this

19. Todd—*Parliamentary Government in England* (Second Edition) Vol. 1—P. 266.

20. A. L. Lowell—*Op. Cit*—P. 31.

21. Bagehot—*Op. Cit*—P. 75.

22. Gladstone—*Gleanings*—I—P. 41—43. Quoted in Marriott's *Mechanism of the Modern State*—Vol. II—PP. 47—48.

country are a real power.....Parliaments and ministers pass but she abides in life-long duty and she is to them as the oak in the forest is to the annual harvest in the field." Dr. A. L. Lowell also points out that for the smooth working of the parliamentary system a central figure, powerless, no doubt, but beyond the reach of party strife, is essential. "If the English crown is no longer the motive power of the ship of state, it is the spar on which the sail is bent and as such, it is not only a useful but an essential part of the vessel."<sup>23</sup>

Although politically a negligible factor, monarchy in England will be found to serve a very useful purpose in other ways. The sovereign is the symbol of unity and a consolidating agency for the empire. He supplies the personal and picturesque element which catches the popular imagination. "He is the head of society and round the court, the whole social firmament revolves. What the king, Queen and other members of the royal family may say or do constitutes for the people a kind of ethical code." The sovereign is connected with numerous branches of activity and is expected to patronise with discretion art, literature, science, the stage. The influence of the royal family in matters of religion, morality, benevolence and fashion is immense. The sovereign is also expected to play the part of the Chief Almoner to the nation, to be the directing force in the realm of charitable beneficence.

#### IV

##### Progress of constitutional monarchy in Europe (1815-48.)

We will now proceed to consider briefly the progress of constitutional monarchy in Europe in the nineteenth century. In England, as has already been seen, constitutional kingship was a growth, an evolution, advancing from precedent to precedent, during the period following the glorious revolution. Such an evolution was possible in a country like England with her well-established, stable, political institutions with the growth of centuries behind them. On the Continent, however, the conditions were different. Accordingly, we find that in the

countries of Europe the progress of constitutional government—monarchical or republican—was, in many cases, the result of stormy revolutions and often subject to fluctuations. Whereas the English constitution is evolved and unwritten, the constitutions of Europe are mostly enacted and written.

The period immediately following 1815 was indeed a period of reaction everywhere. The politics of Europe was dominated by that great apostle of reaction and absolutism—Metternich. His policy was the vigilant maintenance of the *status quo*, as established by the Congress of Vienna, and the prompt extirpation of all subversive movements. Not a few movements, liberal and national, were stamped out under his inspiration, with the result that many despotisms which seemed about to crumble were propped up and prolonged for some more years.

The spirit of liberty and revolution was however strong everywhere. A series of revolutions broke out in the years following the Congress of Vienna. During certain years which stand out as landmarks—1820, 1830, 1848—there were in fact epidemics of revolutions—national or constitutional. The contagion of revolution was irresistible, so that an outbreak in one country was the signal for similar upheavals elsewhere. We will first take the period, 1815 to 1830, and briefly survey the constitutional movements of the period and their results.

In 1814, Ferdinand VII was restored to the throne of Spain. Of all the Spanish Bourbons, he was the most contemptible, being a miserable compound of bigotry, sensualism, superstition and cruelty."<sup>24</sup> In 1812, the Cortes had drawn up a liberal constitution for Spain, on the model of the French constitution of 1791. Ferdinand, however, "revoked the constitution, dissolved the Cortes, restored the Inquisition, recalled the Jesuits, reinstated the nobles, gagged the press, let loose all the forces of disorder....."<sup>25</sup> For six years, a reign of terror prevailed. In 1820, a formidable revolution broke out against his tyranny. Ferdinand, as feeble as he was cruel, made abject submission. The constitution of 1812 was restored, the executive was subordinated to the legislature, a radical ministry appointed

24. J. A. R. Marriott—*The Re-making of Modern Europe*—P. 137.

25. *Ibid*—P. 138.

and a series of reforms undertaken. It appeared as if constitutional monarchy had dawned in Spain. But the time was not yet. In 1823, acting on the recommendations of the Congress of Verona, the despots of Europe intervened in the Spanish question. A French army crossed the Pyrenees, and re-established the absolutism of Ferdinand. Spain continued under French military occupation until 1827.

In 1820 an insurrection broke out also in Portugal. The regent, Lord Beresford, was deposed and John VI was persuaded to return reluctantly to Europe. Having returned, he accepted a liberal constitution in 1821. But here again reaction triumphed. In 1823, relying upon Spain, he revoked the constitution. John died in 1826 and two years later, his son, Dom Miguel, in supersession of the legitimate claimant—Maria—seized the throne and ruled as absolutist king till 1834.

The success of the Spanish revolution was the signal for a similar outbreak in Naples against the absolutism of Ferdinand. The king gave way and agreed to a liberal constitution modelled on the Spanish Instrument of 1812. But Austria, with the sanction of the Congress of Troppau, intervened; an Austrian force advanced into Naples, put down the rising and restored the absolutism of Ferdinand. In 1821 there was a liberal uprising in Piedmont as well. There King Victor Emmanuel abdicated in favour of his brother, Charles Felix, and named Prince Charles Albert, next in succession, as regent. Charles Albert at once proclaimed a constitution. Here, again, Metternich intervened, had Charles Albert deposed from the regency, and absolutism restored.

In Germany, although Prussia remained faithful to the principles of the Holy Alliance, the cause of liberalism made much progress in the southern states during these early years. Universities became strongholds of liberalism and University Professors such as the two Rottecks, Welcker, Jacob Grimm, Stockmar, Gervinus, took the lead in propagating liberal ideas.<sup>26</sup> Bavaria and Baden, in 1818, and Wurtemberg, in 1819, adopted constitutional government on the model of the French charter of 1814. It was their motive to strengthen themselves in this way against the greater states which were despotically

ruled. The example of these states was followed by the kingdom of Hanover (1819), the Grand Duchy of Hesse (1820) and Saxe Meiningen (1820). Metternich, of course, sulked and raged and proceeded to check the spread of the movement in Germany through the action of the federal Diet.

As regards Scandinavia,<sup>27</sup> it may be noted that Sweden had a sort of constitutional monarchy for centuries. As far back as the sixteenth century, it had a Diet composed of four estates—the nobles and knights, the clergy, the citizens, and the peasants. The nobles, of course, enjoyed preponderant power and the kings were often forced to rely on the two lower orders for support. There was also a Council of State comprising the ministers. In 1809, the constitution was a little revised but the Diet was still left an assembly of estates. Without its consent the king could not change the constitution, issue laws, or levy new taxes.

In Norway, however, a far more democratic constitution was adopted in 1814 and the Swedish king, Charles XIII, who became king of Norway in 1825 was compelled to accept it. Legislation was vested in an elected parliament—the Storthing—composed of two chambers. The king had the right of sanction but could not reject a law passed by the assembly three times. The executive power was vested in the king and his ministers, the latter being responsible to parliament. It was thus a system of constitutional monarchy, with a parliamentary executive. All subsequent efforts made by the kings to extend their power have proved unsuccessful,

France also began in 1814 with a constitutional monarchy. The royal Charter of that year provided for a parliament of two chambers—the upper consisting of peers nominated by the king, the lower elected by Frenchmen paying a heavy direct tax. The chambers could not initiate legislation but could ratify or reject measures proposed by the king and no measure could be promulgated without their assent. The king was to govern by means of ministers but their relation to the chambers was left vague. The Charter also recognised liberty of worship and of the press and the inviolability of the sales of land made during

27. Bluntschili—*The Theory of the State*—PP. 412—414.

the revolution. Louis XVIII was a man of moderate views but unfortunately he passed more and more under the influence of reactionaries, the ultra-royalists and clericals. The murder of the king's nephew—the heir-apparent to the throne—in 1820 was followed by the installation of the ultras in power and a dark period of reaction and repression. The death of Louis in 1824 and the accession of his brother, Charles X, only gave a fillip to the reactionary movement. "Bigoted, ignorant and superstitious, the comrade of the *Emigres* and the tool of the Jesuits, he plunged headlong down the hill of reaction."<sup>28</sup> Martignac was replaced as minister by a thorough reactionary, Paul de Polignac (1829). The lower chamber was dissolved soon after and before the chambers met, the king and ministers issued the famous *Ordinances of St. Cloud* (July 26th, 1830) which brought matters to a head and provoked a revolution.

Let us now briefly trace the constitutional movements and triumphs of the period, 1830 to 1848.

On 27th July 1830, a revolution broke out in the streets of Paris. As already observed, it was precipitated by the *Ordinances of St. Cloud* which were in the nature of a royalist *coup d'état*. The chambers were again dissolved; the franchise was restricted; freedom of the press was abolished and a number of ultras was admitted to the Council of State. The storm of discontent which had been gathering for some years now burst. On the 28th, the raging mob surged through the streets, seized the Hotel de Ville and raised the tri-colour. On the 29th, the troops mutinied and before nightfall the mob were in possession of the capital. Philip, Duke of Orleans, was proclaimed king. On the 2nd August, Charles abdicated and retired to England. On the 7th, the crown was offered to Philip and two days later, he was proclaimed king, as Louis Philip. Thus the famous "July Revolution" was effected without bloodshed and in a trice.

After the accession of Louis Philip, the Charter of 1814 was revised and the constitution liberalised. The franchise was somewhat extended, the initiative was given to the chambers in legislation and the ministry made responsible to the

legislature. The monarchy of Louis Philip was thus a constitutional monarchy. For some years it got on smoothly. By and bye, however, it became unpopular with all classes—the legitimists, the republicans, the patriots, the clericals, the democrats. The new regime was respectable but being unheroic and dull fell into discredit. An imperial feeling was gaining ground among Frenchmen. Further, this was an age of intellectual fermentation in France—of socialist writers and philosophers who preached a social revolution, “fixed men’s eyes on a distant goal and proclaimed the possibility of establishing a social system, juster and happier than the present one.” Fourier and St. Simon put forward new schemes of social reconstruction.<sup>29</sup> Louis Blanc who had more immediate influence than the others preached directly to the masses and waxed eloquent on their ‘right to work’ at the hands of the state. Men’s minds were stirred and they began to dream of a “New Heaven and a New Earth.” The citizen monarchy began to totter to its fall.

In 1830 a revolution broke out also in Belgium. In 1815 Belgium had been united with Holland, under the House of Orange. There was, however, little in common between the Belgians and the Dutchmen, so that the former began to chafe against the union and became more and more eager for separation. In 1830 insurrections broke out in Brussels, Liege, Lovain and other towns of southern Belgium. The intervention of the Powers was sought and, thanks to the strenuous efforts and skilful diplomacy of Palmerston, Belgium was separated from Holland and set up as an independent state with a constitutional monarchy, more or less of the English type.

The Parisian revolution had its repercussions in Germany and Italy as well. In Germany there were risings in some of the smaller states—Hanover, Saxony, Brunswick, Hesse—the rulers of which were forced to make liberal concessions to their subjects. Metternich, however, frowned upon these movements and brought the machinery of the Diet into operation to repress them.

29. For the political ideas of Fourier, St. Simon and Louis Blanc, vide Ruggiero’s *European Liberalism*—English Translation—PP. 178—184.

"The July Revolution in France fanned into flame the revolutionary embers in Italy." Insurrections broke out in the Papal states as well as in Parma and Modena, the rulers of which were forced to flee. Prince Metternich, however, promptly intervened; an Austrian army marched into Italy and the risings were all put down.

Although the insurrections had been suppressed in Italy, the spirit that inspired them remained invincible. The cause of nationalism and liberalism made steady progress during the period, 1830—48. In 1831, while in exile, Mazzini founded the famous *Association of Young Italy* which rendered yeomen service in the cause of Italian unity and democracy. Its programme was definite and ambitious. "The Austrians were to be expelled; Italy to be liberated and unified and a reformed Papacy was to assume the moral leadership of the world." The ultimate form of government was to be determined by the people but a republic was recommended. Secondly, there were parties like the Neo-Guelphs and the Piedmontese Liberals, with similar ends. The former looked to the Papacy, reformed and purified, to lead the movement. Charles Albert, king of Sardinia (1831—48) thus wrote;—"If Providence sends us a war of Italian independence, I will mount my horse with my sons, I will place myself at the head of the army..... What a glorious day it will be when we can raise a cry for the independence of Italy!" Thirdly the flame of liberty and nationalism was kept alive by an illustrious band of liberal writers— Gioberti, Rosmini, Balbão, Romagnosi, Durando, Mazzini <sup>30</sup>—the intellectual and spiritual high priests of the Risorgimento. A revolutionary movement was really in progress, beneath the apparently calm surface of Italian politics.

## V

### Progress of Constitutional Monarchy in Europe (1848—1900).

We will now proceed to the next period (1848—1900) and trace briefly the revolutions and the constitutional progress of the period.

30. *Vide Ruggiero—European Liberalism—English Translation—PP. 298—324*—for the ideas of the Italian Liberals of the Risorgimento.

The year 1848 stands out conspicuously as a year of revolutions in European History. The outbreak of a revolution in France was the signal for similar outbreaks elsewhere. "Within a few months half the monarchs of Europe had been either deposed or forced to concede constitutions." Although many of the revolutions of the year were stamped out and reaction once more reigned supreme, there were countries which were unaffected by the tide of reaction, where the constitutional reforms effected survived and the cause of constitutional monarchy triumphed.

The immediate cause of the February Revolution in Paris might be found in the unwise action of the ministry in interdicting a banquet, which the reformers proposed to hold on the 22nd February, in order to promote their objects. The mob of Paris was naturally inflamed; crowds began to parade the streets and barricades were erected. On the 23rd, Guizot resigned and a new ministry was announced. It was too late. Scuffles had already taken place between the troops and the mob and the corpses of fifty victims were paraded through the streets. Everywhere Barrot was acclaimed with cries of "Vive La République." On the 24th, before nightfall, Louis Philip abdicated in favour of his grandson and appointed a regent. The regency and the dynasty were, however, swept away and a republic was proclaimed, with a provisional executive government. A national constituent assembly was then summoned, on the basis of manhood suffrage, to draw up a constitution. It established a constitution of a very simple pattern, based on the principle of separation of powers, vesting executive power in a President, elected for a term of four years by manhood suffrage, and providing for a unicameral legislature of 750 members, elected for three years on the basis of manhood suffrage.

Louis Napoleon, nephew of Napoleon I, now made his dramatic entry on the stage of French politics. He had all the dash, adroitness and ambition of the great Corsican, without, however, the latter's superb genius. He easily got himself elected to the assembly and then offered himself as a candidate for the presidency. Bearing the magic of a great name and reputed for his liberal, if not socialistic, views, he was elected President,

by an overwhelming majority—by about five and a half million votes out of a total of about seven million votes cast. He considered himself a man of destiny, with a sacred mission to heal the wounds of France, to promote her progress all round and enhance her glory and prestige. His ambition knew no bounds. Not satisfied with mere presidency, he began to aim at supreme power and looked steadily towards the revival of the Empire. He ingratiated himself with all classes and won their support. In May 1850 the assembly passed a law disfranchising about three million voters and muzzling the press. His opportunity now came. Posing as the champion of the disfranchised voters, Louis Napolean executed with consummate adroitness a *coup d'etat* on 2nd December 1851. The leading republicans and socialists were arrested ; troops were posted to crush resistance in Paris ; the assembly was dissolved and a draft constitution was submitted to the people which was passed by over seven million votes. According to the constitution, the President's term of office was extended to ten years ; ministers were to be appointed by him and to be solely responsible to him ; the President was to command the army and navy, to conduct foreign policy, to make war and peace, to appoint local officials, and to control the press. A Council of State nominated by him was to draft laws on his initiative. The legislature was to consist of two chambers—a nominated senate which might revise the laws and interpret the constitution and a popular assembly of 250 members with very restricted powers. The constitution was, of course, a centralised autocracy, with a thin veneer of republicanism. By a second plebiscite taken in November 1852, the presidency was transformed into an hereditary empire and on 2nd December, Louis Napoleon was solemnly proclaimed Emperor as Napoleon III.

The rule of Napoleon III, if autocratic, was beneficent and for about eight years he was popular with all classes. From 1860, however, his popularity began to wane and the restless adventures of his foreign policy tended to impair his prestige and influence. The mad Mexican adventure was a terrible blow to him and at last the French catastrophe at Sedan (1870) brought his rule to an inglorious end. The Emperor himself was taken

prisoner in the battle and the Empress fled to England. A republic was proclaimed and a provisional government set up. A national assembly was then summoned on the basis of manhood suffrage to settle the future constitution of France. There were various sections in the assembly and a series of factious squabbles followed. At last a series of three constitutional laws was drawn up and adopted by the assembly in 1875 and the present republican constitution was inaugurated. Monarchy was thus abolished a third time in France and a republic, with a parliamentary executive, established. Its framers builded better than they knew. "Their jerry-built trilogy has lasted for a longer time than any of the comprehensive and refined constitutions of earlier days—imperial, monarchical or republican. It has rounded out a full half-century and is to-day possessed of greater strength than it has ever had."<sup>31</sup>

Let us now turn our attention to the course of events in Italy. Early in 1848 revolutions broke out in all Italian states. Ferdinand II, the ruler of Naples and Sicily, was forced to grant a constitution. Duke Leopold of Tuscany followed his example. In March, Charles Albert, king of Sardinia-Piedmont, granted his people a charter of political liberties—a written constitution—the *Statuto Fondamentale*—establishing a constitutional monarchy of the English type. The Pope-Pio Nono—also called a parliament at Rome. The Milanese and the Venetians rose, expelled the Austrians and established republics. The despots of Parma and Modena, scared by the fate of Metternich, took to flight. Charles Albert put himself at the head of the national movement and declared war on Austria. The hopes of the Italian patriots and liberals ran high and it seemed as if they would soon be realised. But they had reckoned without the host. Austria proved too strong for them. The Austrians inflicted crushing defeats on Charles Albert at Custoza and Novara and the latter abdicated in favour of his son—Victor Emmanuel (1849). The puppet princes of Italy now crept back to their thrones. At Rome, the republic which had been established in 1849 was abolished and the temporal power of the Pope restored with the

31. W. B. Munro—*The Governments of Europe*—P. 388.

help of French troops. Everywhere reaction reigned supreme. "Nevertheless, the year of Revolutions left permanent results on Italy. From the Alps to Cape Passaro there was not a state which had not felt the breath of liberty; Austrian supremacy, though ultimately restored, had been rudely shaken; the hopes of the Neo-Guelphs had been shattered. Above all, patriots of all parties had learnt to concentrate their hopes upon the House of Savoy and look to the establishment of a Sardinian hegemony."<sup>32</sup>

Constitutional monarchy, however, survived in Piedmont. In 1851 Cavour, already a member of parliament, was appointed Minister of Finance and in 1852 Prime Minister. A statesman of extraordinary talents and diplomatic skill, he set to work in right earnest to achieve his ambition—the unification of Italy under Piedmont-Sardinia. A series of reforms—financial, military and ecclesiastical—was introduced in his state and its prestige and status were immensely raised. His successful intervention in the Crimean war brought him and his state not a little glory and enabled him to play a leading part in the Paris conference and expose there the pitiable condition of Italy. In 1856 he concluded an alliance with the French Emperor, by which Austria was to be expelled from Italy and northern and central Italy were to be united with the House of Savoy. In 1859 war broke out between Piedmont and Austria in which the latter was worsted and expelled from Lombardy. By the treaty of Zurich, Lombardy was ceded to Sardinia but Austria retained Venetia and the fortress of Mantua. The process of the unification of Italy, however, went on steadily. In 1860 the states of central Italy—Modena, Parma, Tuscany and the Romagna, united themselves by plebiscite with Sardinia and Victor Emmanuel opened at Turin a parliament representing not less than eleven million Italians. In south Italy Naples and Sicily were conquered by Garibaldi and they too united themselves by plebiscite with the Italian kingdom. In 1865 the Italian capital was shifted from Turin to Florence. In 1866, in the course of the Austro-Prussian war, Venice was wrested from Austria and it immediately united

itself by plebiscite with the Italian kingdom. Rome alone now remained to mar the unity of Italy. On the outbreak of the Franco-Prussian war in 1870, French troops were withdrawn from Rome. Italian troops now advanced on the city and occupied it. A plebiscite yielded 40, 788 votes for the king as against 46, for the Pope. The union of Italy was now complete and on 2nd June 1871, Victor Emmanuel made a triumphal entry into the city—his new capital—as king of a united Italy. The *Statuto* of 1848 was extended to the whole kingdom, so that Italy came to have a constitutional monarchy of the English type. Since 1922, however, Italy has been subject to a Fascist dictatorship under Mussolini.

Let us now proceed to Germany. Early in 1848 revolutions broke out also in Germany where they presented a double aspect, being both national and constitutional. They were directed, in the first place, towards the achievement of German unity and secondly, towards the further extension of constitutional liberties in the several states.

On the 3rd March, the grand Duke of Baden granted a constitution, establishing ministerial responsibility. The rulers of Wurtemberg, Nassau, Darmstadt and many other states followed his example. In Bavaria, king Lewis abdicated in favour of his son—Maxmillian II—who granted a constitution. Saxony and Hanover also followed the example of Baden. Prussia too was not free from the impulse of the movement. In 1847, the king, Frederick William V, had, in response to the demand of the people, summoned a Diet consisting of representatives of the provincial estates. The reform was however not acceptable to the Progressives and so, after four months, the Diet was dissolved. In 1848 a revolution broke out in the streets of Berlin, barricades were erected and the king's palace was besieged by a surging crowd. The king yielded and summoned a constituent assembly to draw up a parliamentary constitution for Prussia. The assembly met and proceeded with its debates. In November, however, news came that the revolution had been suppressed in Vienna and that reaction had triumphed in Austria. The king now plucked up courage, dismissed his

liberal ministers, appointed Brandenburg — a reactionary — as minister and had the assembly dispersed. In 1850, however, the king granted a constitution of his own accord. It was a more or less autocratic constitution, under a democratic disguise. The king was to have the right of issuing ordinances, collecting all ancient taxes, conducting foreign policy, and of appointing ministers who were to be responsible to him alone. There was to be a parliament of two chambers — the upper chamber being recruited almost exclusively by royal appointment and the lower chamber being constituted nominally by universal suffrage but really on a system based on property, which gave the wealthy classes overwhelming weight in the assembly. This constitution remained in force up to 1914.

In 1848 an attempt was also made to achieve the political unification of Germany. A constituent assembly was accordingly summoned at Frankfort in May 1848. It consisted of 586 representatives, elected by universal suffrage, from every state of the confederation. Several intricate questions confronted the assembly and after prolonged debates, a scheme of federal union was adopted. Under this, Germany was henceforth to be a federated state under an hereditary emperor. There was to be a parliament of two chambers — one representing the princes and the other, the peoples of Germany. The federal ministers were to be responsible to parliament. On 28th March 1849, the imperial crown was offered to Frederick William. But the latter had a dislike of popular assemblies and further knew that to accept the crown would mean a war with Austria. He accordingly declined the offer. The several states now withdrew their delegates from the assembly which was soon after dispersed by force. Thus the dramatic movement of 1848 fizzled out. It was rather premature. "Prussia was not to be dissolved into Germany." On the other hand, Germany was later to be absorbed into Prussia.

The later unification of Germany was essentially the achievement of Bismarck — the Minister-President of Prussia from 1852. "The unity of Germany" he declared, "will be realised not by speeches nor by the votes of the assembly but

by blood and iron." Thanks to the Danish war, Scheswig and Holstein were wrested from Denmark by Prussia and Austria jointly (1865). Later, Bismark picked a quarrel with Austria and in a seven weeks' war the Prussian army, after a brilliant campaign, crushed the Austrians at Sadowa and threatened the capital. By the Treaty of Prague that followed, Scheswig-Holstein, Hanover, Hesse Cassel, and some other states were ceded to Prussia. The Germanic confederation of 1815 was dissolved and all the states north of the Main were to form a North German Confederation under the presidency of Prussia. Thus Austria came to be excluded from the Germanic body. The executive of the new federation was vested in the king of Prussia as hereditary President. The conduct of foreign policy, the raising and control of the army, the decision of war and peace, were vested in the President. He was to be assisted by a federal Chancellor. The Chancellor and other holders of the state offices were to be appointed by the President and to be responsible to him alone. There was to be no responsible ministry in the English sense. There was to be a parliament of two chambers—the Bundesrath consisting of representatives from the various states, according to their size, and wielding important powers and the Reichstag elected by universal suffrage by all the members of the union. It was a scheme of constitutional government with a strong, non-parliamentary executive, represented by the President and the Chancellor. After the Franco-Prussian war of 1870—71 the South German states united themselves with the federation. The king of Prussia was also proclaimed Emperor of Germany in the famous Hall of Mirrors at Versailles (1871). The North German Federation was thus converted into the German Empire in 1871 and the federal constitution of 1867 was continued, with a few necessary alterations, as the imperial constitution of Germany. This constitution remained in force up to 1918. It was really an autocracy under the guise of constitutional monarchy—the Emperor being not a mere figurehead but the real executive head of the empire.

In the spring of 1848 the empire of Austria was also shaken to its basis by a series of convulsions and seemed to be on the verge of dissolution. On the 13th March an insurrection broke out in Vienna and Metternich was forced to resign and flee to England. A constituent assembly then met and proceeded to draw up a constitution. In May the Emperor Ferdinand himself fled to Innsbruck and later abdicated in favour of his nephew—the Archduke Francis Joseph. Revolutions blazed out also in Bohemia and Hungary. These provinces demanded constitutional autonomy under the Hapsburgs. In June there met at Prague a Pan-Slavic congress to consider the future of the slavonic peoples. Kossuth was the leader of the Hungarian movement. In a Diet held in 1848 the Magyars demanded many reforms, not the least of which was complete independence of Austria. The latter was, however, saved by the disunion among the different subject peoples and their incapacity for concerted action. By the end of June, the Bohemian movement had collapsed. The insurrection in Vienna was also put down by the disciplined troops of Austria. With the help of a Russian army, the Hungarian rising was also crushed in August 1849 and Kossuth fled to England. Hungary was deprived of all independent rights and reduced to vassalage. Austria had now a strong minister in Schwarzenburg. He got the "March laws" repealed and Metternich's autocratic and centralised system restored. By 1850 everywhere reaction reigned supreme.

The disastrous failure of Austria in the war with Prussia in 1866 had its repercussions in Hungary as well. Austria was now forced to make a settlement with Hungary by which the dual monarchy of Austria and Hungary was created. "Both kingdoms were recognised as fundamentally independent, each with its own constitution, parliament, ministry and courts."<sup>33</sup> Common affairs—such as defence, foreign policy etc—were however to be managed by common ministers. Each legislature was to appoint a delegation—to meet alternately in Vienna and Perth—to discuss common affairs. The Emperor of Austria was also the king of Hungary. In Austria the emperor was recognised as the

33. W. B. Munro—*Op. Cit.*—P. 748.

hereditary chief executive. Every act of the Emperor was to be counter-signed by a minister but the principle of ministerial responsibility to parliament was not clearly recognised. "The clash of factions in parliament made it easy for the Emperor to hold the balance and choose ministers at his discretion." The Laws of 1867 gave Austria a parliament of two chambers—the House of Lords, consisting of hereditary peers, archbishops and nominated life-members and a House of Representatives elected on the basis of a five class system. The constitution of Hungary was largely similar but there, the ministers appointed, of course, by the king—were not only in theory but in fact responsible to the Hungarian parliament. On the whole, Hungary had a larger measure of popular government than Austria. This dual government remained in force down to 1918.

There were certain other states also in Europe, where the cause of constitutional monarchy made progress in 1848 and the years following. In Holland, under William II, the constitution was raised in 1848 and a parliamentary monarchy of the English type was established. The upper house of the States-General was to consist of members chosen for nine years by the provinces, while the lower house was to be returned by electors with a low property qualification. In June 1849, under Frederick VII, the small state of Denmark was also vouchsafed constitutional government. In Sweden the Reform Bill of 1865 set up a bicameral parliament, in the place of the old Diet composed of four estates. After a stormy period, in the second quarter of the century, Portugal came to have in 1852 peaceful parliamentary government of the monarchical type. After a long period of abominable governments and civil wars, Spain was vouchsafed, in 1876, during the reign of Alphonso XII, a constitution of a liberal type, which remained in force until very recently. According to this constitution, supreme authority was vested in the Cortes, a parliament of two houses; a Senate of not more than 360 members, some of whom are nominated by the crown for life and some are ex-officio members and a Chamber of Deputies of 406 members, elected by popular vote. The executive power is vested in a ministry responsible to the Cortes. The king,

whose every act must be counter-signed by a minister enjoyed an authority hardly superior to that of the English king. In the Balkan peninsula, George I, who was called to the throne of Greece in 1863, established a thoroughly democratic constitution in his state in 1864. By this, the entire legislative power was vested in a single legislative chamber of 184 members elected on universal suffrage. This constitution remained in force until 1911, when a second chamber was also created. In Roumania, Prince Charles, who had newly succeeded to the throne, introduced in 1866 a regular constitutional government, with a ministry responsible to parliament. Proceeding to the Far East, we find that in 1889, during the enlightened rule of Mikado Mutsuhito, a written constitution, combining the best characteristics of several European constitutions, was promulgated in Japan. Under the constitution, a parliament, consisting of a popular and an aristocratic chamber, was convened in 1890. In order, however, to ensure a strong and stable government, the executive power as well as the deciding voice in legislation were vested in the Emperor. Ministers were to be appointed by him and to be responsible to him alone.

From the above summary, it would be seen that constitutional monarchy—with a parliamentary or non-parliamentary executive—made progress in Europe in the nineteenth century. At the end of the century there were only a few states—like Russia and Turkey—that still remained strongholds of autocracy without parliamentary institutions.

## VI

### Twentieth Century Developments.

Proceeding to the twentieth century, the history of kingship during the century may be briefly considered under the following heads:—(a) the progress of constitutionalism in autocratic states; (b) the further progress of constitutional monarchies along democratic lines; (c) the supersession of monarchies by republics; (d) the rise of dictatorships.

It has already been stated that Russia and Turkey were the two important monarchies in Europe that still remained autocratic

at the close of the 19th century. In both states, constitutionalism made some progress in the years prior to the outbreak of the Great European War. The Czar of Russia from 1894 to 1917 was Nicholas II. He was no less inclined to autocracy than his predecessors and "let it be known from the outset that he considered a weakening of his sovereign authority a senseless dream."<sup>34</sup> Unrest and discontent were however growing among the Russians and the government of Nicholas earned bitter hatred everywhere. The discomfitures of Russia in the war against Japan produced a strong reaction against the government. A revolutionary movement grew up and spread widely. Members of the professional classes held political banquets and made inflammatory harangues. Workmen struck work in several cities. In rural districts peasants went about under the influence of socialist leaders, pillaging and burning mansions of nobles and eagerly looking forward to a millenium. Risings broke out in Poland, the Caucasus etc. In these circumstances, Nicholas II was forced to make concessions. In August 1905, he promulgated a constitutional law, providing for the creation of a national assembly to be known as the Imperial Duma. In October, he issued a famous manifesto which "contained guarantees of the individual liberties of conscience, speech and association; established a moderately popular franchise for the election of the Duma; and clearly stated that henceforth no law should be valid without the Duma's consent."<sup>35</sup>

In pursuance of the decree, a Duma was summoned at Petrograd in May 1906. There were two parties in the Duma—the radicals and the moderates. The radicals commanded the majority and proceeded to enact revolutionary measures. Accordingly, the Duma was dissolved by royal decree in July 1906 and stern measures were taken against the revolutionaries. In March 1907 a second Duma was summoned by the Czar. Again, there was an *impasse* between the ministry and the Duma. It was consequently dissolved in June. The electoral law was then radically altered and the franchise so limited and regulated, as to exclude from the Duma all hotheads and

34. Hayes C. J. H. *Political and Social History of Modern Europe*. Vol II.  
P. 472

35. *Op. Cit.*—P. 480.

extremists. The attempt was successful and third Duma summoned in October 1907 contained a majority of moderates and was favourably disposed to government. It came to an end in 1912 and was succeeded by a fourth Duma which had the same character as its predecessor and played the same role. In 1914 the political system of Russia appeared to have reached a normal equilibrium, that could paradoxically but properly be described in the official almanac, as "a constitutional monarchy under an autocratic Tzar."

In the first decade of the twentieth century, the "Sick man of Europe," as Turkey was usually called, was tottering to its fall. There was, however, a party of younger politicians and patriots—the "Young Turks"—who dreamt of the regeneration of Turkey and set to work to achieve it. The headquarters of the committee of "Young Turks", or the "Committee of Union and Progress", as it soon came to be called, was Geneva at first but was ultimately shifted to Salonika. "To transform the Ottoman Empire into a modern European state; to give to Turkey a genuine parliamentary constitution; to proclaim the principle of religious and intellectual liberty; to emancipate the press; to promote intercourse with the progressive nations of the world; to encourage education; to promote trade; to eradicate the last relics of medievalism. Such was the programme with which the Young Turks astonished and deluded Europe in the summer of 1908."<sup>36</sup> Having made all preparations, the party with swiftness and certainty struck the blow—the *coup d'etat* of 1908. The constitution of 1876 was proclaimed at Salonica and two army corps threatened to march on Constantinople, if the Sultan should deny the constitution. The Sultan—Abdul Hamid—at once yielded, proclaimed the constitution of 1876, summoned a parliament and guaranteed personal liberty and equality to all his subjects. Thus a bloodless revolution was effected in a trice in Turkey. It was, however, not quite so easy to introduce western institutions in a country like Turkey. The Sultan, fully alive to this fact, became increasingly hostile to the party of "Young Turks" and set on foot a counter-revolution (April 1909). His triumph was however short-lived. The Young Turkish troops advanced on Constantinople; and had

the Sultan deposed by a unanimous vote of the Turkish national assembly. In his place, his younger brother was proclaimed Sultan, with the title of Mohamed V (April 27th). The revolution of 1909 established parliamentary government in the Turkish empire. The Sultan was henceforth to be a constitutional monarch like King George of England—the government being vested in the Grand Vizier and ministers, responsible to parliament.

During the century, constitutionalism also made progress in the Mohomedan world outside Europe and transformed many autocracies into constitutional monarchies, to a greater or less extent.<sup>37</sup>

In the beginning of the century, a national movement was growing up in Persia. The leaders of the movement demanded the promulgation of a written legal code and later, a constitution. The reigning Shah promised to fulfil their demands (5th August 1906). On the 19th, a proclamation was issued for the convening of the Mejlass-i-Milli (parliament) which was to consist of 156 deputies, 60 being elected by the capital. The first Persian parliament was opened on 7th October 1906. In spite of the opposition of the party of reaction, the parliament drafted a constitution, which was ratified by the Shah, shortly before his death. By this constitution, freedom of speech and of the press was conceded and the ministers were made responsible to parliament. Barring occasional reactions, Persia has had parliamentary government ever since. In Afghanistan, a constitution was promulgated in 1922 which established a State Council and a Legislative Assembly to assist the Emir and created ministries in all departments. In Iraq, Emir Faisal was elected king by the people as a result of plebiscite, (August 1921) and was formally proclaimed such by the British High Commissioner. The Organic Law of the king, passed by a constituent assembly in June 1924 provided for a limited monarchy and a responsible government. The legislature was to be bicameral, consisting of a nominated Senate of 20 elder statesmen and an elected Lower House of 88 members. The first

37. For a detailed and readable account of the progress of constitutionalism in Muhammedan countries vide Hans Kohn—*A History of nationalism in the East* (transl. by M. M. Green)

parliament under the constitution was opened by king Faisal on July 16 1925. In Egypt, the British protectorate was terminated on 28th February 1922 and the Sultan was proclaimed king on 15th march 1922. On 19th April 1923, a constitution was promulgated for Egypt which declares Egypt to be a sovereign state with a hereditary monarchy and a representative and responsible government. The legislature consists of a Senate and a Chamber of Deputies to which the ministers are severally and jointly responsible. Constitutionalism is making its way also into the kingdom of Hejaz—Nejd (Arabia), there being provision in the constitution for a legislative assembly in Meeca, municipal councils in towns and villages and tribal councils throughout the provinces. It may also be noted that, thanks to a bloodless revolution, a constitutional monarchy was recently set up in Siam.

The second development of the century is the further progress of constitutional monarchies in Europe along democratic lines. Amongst them may be mentioned Norway, Sweden, Denmark, Holland, Belgium, Spain (until very recently) Italy, Rumania, Bulgaria, Jugo-Slavia. In many of these kingdoms, however, the retention of monarchy was reconciled with further democratic reforms. In Norway, universal manhood suffrage was introduced in 1893 and four years later, direct elections were substituted for indirect. In 1913 the franchise was extended to women on the same terms as to men. Early in the 20th century (1905), Norway separated herself, by plebiscite, from Sweden and started on a new career of progress. In 1913 the royal veto was entirely abolished. There is now full parliamentary government in Norway and ministers hold office only so long as they retain the confidence of parliament. In Sweden, also, the franchise was extended to all men and women above 23 years of age. The executive power is in the hands of the king who acts under the advice of a Council of State, the members of which are responsible to parliament. In Denmark, constitutional amendments were effected (1914—15) by which the suffrage was extended to all males and most females. In Holland and Belgium, full franchise was extended to women on the same terms as to men.

Jugo-Slavia and Roumania adopted parliamentary constitutions in 1921 and 1922 respectively.

The third development of the century is the remarkable progress of republicanism in Europe and elsewhere, especially since 1914. Even prior to the outbreak of the war, there were republican movements in several countries and two states—Portugal and China—had already adopted republican government. In Portugal the revolution was the outcome of the vices, incompetence and unpopularity of the king, combined with the factious strife of parties, the troubled conditions of the country, the corruption and inefficiency of government. During the reign of Carlos I (1889—1908), affairs in Portugal went from bad to worse. Financial crises frequently occurred. The king was licentious and extravagant and cared little for the interests of the people. He often prorogued parliaments and governed the country by ministerial decrees. In May 1907, following factious strife among monarchist parties and republican outbreaks in several places, the prime minister—Joas Franco—with the approval of the king set up a dictatorship. Nemesis soon followed. On 1st February 1908, king Carlos and the crown prince were assassinated while driving through the streets of Lisbon. The successor of Carlos—Manoel II—an inexperienced youth was clearly unfit to cope with the situation. The murder of a prominent republican physician was the signal for the outbreak of revolution. In October 1910, the republican soldiers in Lisbon, aided by armed civilians and the war-ships in the Tagus, overthrew the monarchy and proclaimed the Portuguese republic.

The Chinese revolution took place in 1911. For centuries the government of China had been feeble, autocratic and unprogressive. The Manchu dynasty became odious to the people. A revolutionary party—the young China party—sprang up, with the object of making China a progressive republic. Its leader was Sun Yat-Sen, a doctor of medicine and a Christian by religion, who, while compelled to live in exile, worked incessantly for the republican cause. Alarmed at the progress of the revolutionary movement, the government of the Dowager Empress, Tzu-hsi, offered various concessions, but in vain. In October 1911, the republicans declared war against the Manchu

dynasty, seized Nankin and proclaimed a republic, with Sun Yat-Sen as President. In February 1912, the boy-emperor abdicated the throne, and this marks the crowning success of the movement.

"The great war proved as advantageous to republicanism throughout the world as it was disastrous to monarchy. In 1914, six of the eight great powers were monarchical; in 1919, only three remained monarchical and these three—Great Britain, Italy and Japan—had consecrated their political institutions by military victory. The three most famous European dynasties—the Habsburgs, the Romanovs, and the Hohenzollerns—had been worsted and had ceased to reign. From German lands had been expelled all those lesser historic sovereign families—the Nittelsbachs, the Wettins, the Guelfs etc. .... Divine right absolute monarchy was at last extinct except possibly in a veiled form in Japan; even constitutional liberal monarchy was on the decline."<sup>38</sup>

The causes of this phenomenon are not far to seek. The underlying and vital cause was, of course, the growth of the democratic spirit, marked by a deep distrust of monarchy and an abiding faith in popular sovereignty and government. Rousseau's ideal of democracy became a kindling force—a source of inspiration and stimulus to the nations of Europe. "Modern statesmen have, perhaps unintentionally, reverted more exactly to Rousseau's original meaning; the conception of popular sovereignty which underlies the constitutions is more akin to that expounded by Rousseau himself, than to the liberal ideas on which were founded the constitutions of the nineteenth century."<sup>39</sup> Judged by the ideal of popular sovereignty, republican government would appear to possess certain advantages over monarchy. Unlike the hereditary king, the president of the republic is elected directly or indirectly by the people, holds office for a limited term, is more easily removable and more subject to popular control. He is but a secular magistrate with limited powers and has none of the halo of antiquity, tradition or divinity, often surrounding the crowned head. It is no wonder then that the republican movement has, in the 20th

38. C. J. H. Hayes—*Op. Cit.*—PP 853—854.

39. Headlam Morley—*The New Democratic Constitutions of Europe*—P. 32.

century, been steadily growing in strength and vigour and has achieved many notable triumphs in recent years. In addition, it may be observed that most of the monarchies that fell in recent years, such as those of Russia, Austria, Germany, Turkey, were autocratic, depending largely on armed force and a show of prestige. Once their prestige was shattered and military power undermined in the recent war, they ceased to command the allegiance of their subjects and vanished from the earth.

The earliest of the revolutions was the Russian revolution of 1917 which went on from March to November and resulted in the extinction of Czardom and the establishment of a Soviet republic in Russia. It was followed by a series of revolutions in the polyglot dominions of the Habsburg Emperor, resulting in the disintegration of the empire into smaller national units and the establishment of republics in Austria, Hungary and the newly-created states of Poland and Czecho-Slovakia. The German revolution broke out in November, 1918 and the Emperor on 28th November signed a formal abdication of the Crowns. William II fled ingloriously across the frontier into Holland and of Prussia and the German Empire. In February 1919, the National Assembly adopted a republican constitution for Germany. All the lesser princes of Germany followed suit so that all the German states became republics. The Baltic states created by the disruption of the Russian Empire—Finland, Estonia, Latvia, Lithuania—adopted republican constitutions. In Turkey Mustapha Kemal Pasha, a democratic patriot and superb nation-builder, raised the standard of revolt in Anatolia, set up a new government at Angora, (1919) rallied the bulk of the Turks to his standard and succeeded in dethroning Mohammed VI in 1923 and proclaiming Turkey as a republic. Kemal Pasha was elected first President of the Turkish republic (1934). In the same year, Greece also became a republic. In quite recent times, it is well-known, Spain too joined the ranks of republican states.

Another development of the post-war period is the rise of dictatorships in several states. As a result of the revolution of 1917, a dictatorship was established in Russia—the dictatorship of a class—the proletariat. By the constitution of 1918, the

franchise is limited to the actual workers alone and is withheld from many classes such as business men, agents, employers for profit, those who live on income not derived from their own labour, clergymen of all denominations, persons connected with certain departments of the old Tsarist regime, etc. The Soviet government of Russia is quite unlike the usual parliamentary type of democracy. "The constitution of 1918 did not undertake to establish a democracy but a dictatorship, a dictatorship of a class. This was logical enough, for the whole theory of communist government is that all other classes are exploiters and parasites. Their existence should not be tolerated, much less encouraged, by granting them any political privileges."<sup>40</sup> Regulation, not liberty, is the watchword of the Soviet government.

In 1922 Italy too passed under a dictatorship—the dictatorship of the Fascist party—under the leadership of Benito Mussolini. Owing to the startling progress of communism in the country and the incompetence of the government, Italy was fast drifting into anarchy and chaos. Riots and disturbances broke out in several parts of the country. Local soviets were organised, on the Russian model, in the industrial cities. The workers began to seize factories and commandeer raw materials. It was to save Italy from communism and chaos and establish a strong government which would assert its supremacy and secure the well-being of all classes that the Fascist movement was started. The movement achieved signal triumph. The communist organisations were broken up and crushed everywhere and a Fascist dictatorship was established in 1922, with Mussolini, as prime-minister. The theory of Fascism is thus briefly summed up by a well-known author<sup>41</sup>:—"Its professed aim is to place the well-being of the whole people above the interests of any class, whether capitalists or wage-earners, bourgeoisie or proletariat. It denies the right of any one class to govern the country for its own benefit. It calls for a cessation of class wars, which benefit only those who are actively engaged in them and are a detriment to everybody else. But how are these class-struggles to be avoided? "By asserting

40. W. B. Munro—*The Governments of Europe* P. 731.

41. W. B. Munro—*O. P. Cit.* P. 692.

the supremacy of the government", the Fascist replies. "The government represents the interests of the whole people. It should be organised in such a way as to show no favour to any class; it should be above all class-control; and it should undertake such re-construction of the whole industrial system as will ensure the elimination of all class hostility." The position of Mussolini all these years has been that a dictator. His premiership is indeterminate in scope and interminable by the ordinary action of a parliamentary majority—in fact, the very antithesis of a parliamentary executive. By a law of December 1925, the Prime Minister is styled the "Head of the Government." Though he is appointed and dismissed by the king, the latter must maintain him in power until "the system of economic, moral and political forces which raised him to power shall cease." He is independent of any parliamentary vote of confidence or censure and no motion can be laid before either house without his previous sanction. He appoints the ministers who are responsible to him and not to parliament. The Italian cabinet is in fact only a "consultative body" for the head of the government.<sup>42</sup> In a word, Mussolini's position is little short of a dictatorship.

In 1923 a military dictatorship was established in Spain. Groups of Spanish army officers, filled with contempt for the petty political squabbles of the constitutional government at Madrid and enraged at the sorry failure of Spanish armies as against the tribesmen in Spanish Morocco, turned their forces against the government and with the sanction of king Alphonso XIII, set up a new government with General Miguel Rivera as premier. In 1924 the constitution was suspended and General Rivera became practically dictator, at the head of a Directory. At last, after six years of rule, he resigned his dictatorship in 1930 and General Berenguer was called upon to take over the government. Of late, monarchy itself was abolished in Spain and a republican government set up.

In 1923 a nationalistic and military dictatorship was established in Bulgaria by a group of army officers smarting under national defeat and humiliation. To-day King Boris of Bulgaria

42. C. F. Strong—*Modern Political Constitution*—P. 249.

is under Italian influence. In Poland Marshal Pilsudski, Ex-President, is the strong man at present. "He makes cabinets, his colonels and generals like the Ironsides of Cromwell have no use for parliamentary baubles. The opposition is suppressed by arrests and the deputies find that independence means a sojourn in the military prisons of Brest-Litovsk. In Roumania, the king, once a helpless exile, now holds the position of a military dictator. Jugo-Slavia has taken her lessons in government from Fascist Italy. In Germany Hitlerism has taken a stride towards dictatorship. Obviously, in many instances, dictatorship is the outcome of the chaotic and troubled conditions of the countries subject to it and has been resorted to as a remedy for such conditions. The work and achievements of dictators like Lenin and Mussolini are matters of contemporary history. As to whether dictatorship has come to stay in the world or is only a temporary phenomenon which may be expected to pass off after a short period, leaving the world once more safe for democracy, it is yet too early to judge.

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## CHAPTER VIII.

### A FEW GENERAL OBSERVATIONS.

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In the previous chapters a brief survey has been made of kingship from its origin, through the long and chequered period of its evolution, down to quite recent times. It has been the aim of the author not only to dwell on the actual character of kingship from age to age, but also to trace the ideas and ideals influencing and moulding it at every epoch. It will thus be seen that not a small portion of this book has been devoted to an examination of the political thought or philosophy bearing on kingship. Having briefly sketched the history of this institution so far, it may not be out of place in this concluding chapter to wind up this historical survey with just a few general observations, retrospective and prospective.

However much kingship might have declined, or however lightly it might be regarded, in modern times, we have seen in the course of this survey that there were times and ages when it was not merely a useful but an essential institution and played a memorable part as an instrument of progress. It is a truism of politics that the value or utility of an institution is to be judged and measured not by a process of abstraction but in relation to the conditions and circumstances of a particular age or country. Under different conditions and circumstances, different forms of government may be suitable or desirable; when the conditions—social, material or moral—of a country change, the political institutions of the country may have also to be modified and adjusted to the changed conditions. So far as kingship is concerned, it has been seen that, in the case of primitive communities just emerging into civilisation, something like an absolute monarchy or autocracy was what was required, in the interests of unity, order, discipline and progress. The

services that despots have rendered for the uplift and advancement of primitive peoples are writ large in the pages of history. Again, during periods of chaos and commotion, or of great upheavals—intellectual, religious or social—which engross the attention of a people and make them indifferent to politics, the proper type of government is a strong monarchy. Thus we have seen that in Europe, in the Reformation and post-Reformation period, which was an age of welter and chaos, of religious controversies and conflicts, of troubled and distracted conditions, when a new order of things was taking the place of the old, there was need everywhere for a saviour of society and that this saviour was found in the king. In spite of the sins of omission and commission that might be ascribed to the despots of this age, the fact cannot be ignored or denied that many of them had really the interests of their states and peoples in view and strove not a little to promote them.

Despotism is despotism all the same. By and bye, it becomes twice-curst. The people are treated as dumb, driven cattle. They are bereft of that most precious possession—liberty—and left without facilities for free growth and development. However, the people continue to submit to it for some time, conscious, perhaps, of its utility for the time being as well as of their inability to shake it off. In course of time, however, as they grow in culture and enlightenment and come under the stimulus and inspiration of wise and patriotic leaders, they become more and more self-conscious, more and more restive and restless, more and more determined to achieve political liberty and make themselves masters of their households.

This was what happened in the Old World and the New after, and partly, as a result of, the American and the French Revolutions. A national awakening was brought about, and a national spirit stimulated, in all countries. The peoples of Europe were no longer content to be ruled, but longed to rule themselves. Hence we find that national and democratic movements have been a striking feature of European, nay, world history ever since. Absolute monarchy began slowly to crumble down everywhere, as being out of harmony with the new order

of things. Constitutional monarchy has made steady progress in Europe and elsewhere in the nineteenth and twentieth centuries. Wherever kingship now exists, it is in a constitutional form. Despite its defects and short-comings and the few recent reactions against it, it may safely be said that democracy has come to stay in the world, as being the form of government most suited to modern conditions and most conducive to general well-being and progress. This is what John Stuart Mill wrote more than seventy years ago<sup>1</sup>:—"There is no difficulty in showing that the ideally best form of government is that in which the sovereignty or supreme controlling power is vested in the entire aggregate of the community, every citizen not only having a voice in the exercise of that ultimate sovereignty, but being, at least, occasionally, called on to take an actual part in the government, by the personal discharge of some public function, local or general." These words are as true to-day, as they were when they were first penned. "The final case against the government of one or a few," observes Prof. Laski,<sup>2</sup> "is that either will, in the end, identify their private good with the good of the community." Admitting all the evils of democracy, it has, nevertheless, to quote the words of Lord Bryce,<sup>3</sup> "taken all in all, given better practical results than either the rule of one man or the rule of a class, for it has at least extinguished many of the evils by which they were defaced." Again, he observes:—"Yet the rule of many is safer than the rule of one,—as Cavour said, however faulty a legislative chamber may be, an ante-chamber is worse—and the rule of a multitude is gentler than the rule of a class. However grave the indictment that may be brought against democracy, its friends can answer, what better alternative do you offer?" If democracy has defects, as certainly it has, what is necessary is to purge it of its dross as far as possible and retain it in its purity, rather than do away with it.

Recognising the importance and permanence of democracy under the conditions of to-day and of the future, it becomes

1. J. S. Mill—*Considerations on Representative Government*—P. 21.

2. H. J. Laski—*Grammar of Politics*—P. 27.

3. Bryce—*Modern Democracies*—Vol II—P. 617.

4. *Ibid*—P. 668.

obvious that kingship has a chance of continuing, as it does at present, only if reconciled with democracy. It is the supreme merit of constitutional monarchy that it has effected this reconciliation and made crowned republics possible. Absolute monarchy has had its day under different circumstances, but is out of the question under modern conditions. The fatal objection to autocracy," says Bryce,<sup>5</sup> "is that it leaves the fortunes of a state to chance; and when one considers the conditions under which autocrats grow up, chance is likely to set on the throne a weakling or a fool rather than a hero or a sage." There is another objection to autocracy—not less fatal—that is, that it hardly allows scope for the mental and moral development of a people, that it tends to dwarf their minds, stunt their faculties, attenuate their emotions, contract their vision. While democracy is an instrument of education and training for a nation, autocracy is an instrument of abasement and emasculation. "What should we have under an autocracy?," asks John Stuart Mill,<sup>6</sup> "One man of superhuman mental activity managing the entire affairs of a mentally passive people. Their passivity is implied in the very idea of absolute power. The nation, as a whole, and every individual composing it are without a potential voice in their own destiny. They exercise no will in respect to their collective interests. All is decided for them by a will not their own, which it is legally a crime for them to disobey. What sort of human beings can be formed under such a regimen?....." We may therefore take it, not merely as probable, but even as certain, that wherever kingship stably continues, it will be of the constitutional type.

At this point, it may, however, be urged by the critic that of late, there has been a reaction against parliamentarism and democracy and dictatorships are becoming more and more common in these days. In answer, it may be stated that there is no reason to believe that the reaction is anything more than a temporary phenomenon, being the result of some of the flagrant evils that democracy has revealed. With the further

5. *Ibid*—P. 588.

6. J. S. Mill—*Op. Cit*—P. 19.

development of civic conscience, the sense of duty, public spirit and political morality, with the gradual spiritualisation of politics, as urged by some of the noblest thinkers of the day, we may well expect to see the obnoxious features of parliamentary government disappear and democracy once more come into its own. As regards modern dictatorships, it may be observed that they differ from absolute monarchy in certain respects. Whereas kings are hereditary rulers, with a long and ancient pedigree in many cases, dictators like Mussolini are elected magistrates, holding office for limited periods. Whereas under absolute monarchy there are usually no parliamentary institutions and the monarch's will is everything, in the case of modern dictatorships, as in Italy, parliamentary institutions are retained and allowed to exercise some authority, however circumscribed. Like the despotism of the Tudors, some of the dictatorships of to-day are clothed with the garb of constitutionalism. Again, some of the present-day dictatorships, like the Fascist dictatorship in Italy, the Communist dictatorship in Russia, or the Nazi dictatorship in Germany, are dictatorships of parties or classes, rather than of individuals. Lastly, it may be noted that, taking the whole world into consideration, dictatorships are so few and democracy is so widely prevalent, that the former are to be regarded merely as exceptions to the rule and further, that they are the result of critical, anarchical, or abnormal conditions in the countries concerned and may, in most cases, be expected to terminate or be terminated, once these conditions have been set right and there is nothing to justify their continuance any longer.

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